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HUMAN RIGHTS ON THE CROSS

Edited by
Felix Wilfred

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**Human Rights
on the Cross**

**Edited by
FELIX WILFRED**

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Editorial

While trying to think out an appropriate title to this issue of *Jeevadhara*, I came across a recently released book of justice Krishna Iyer (*Human Rights and Inhuman Wrongs*, B. R. P., Delhi 1990). I was leafing through it when my attention was arrested by the phrase "Human Rights on the Cross", which to me expresses the substance of what this issue is all about.

While the global consciousness about the ideals of human rights and the necessity to promote them has strikingly augmented, our hearts are filled with consternation at the harrowing violations of human rights on the increase in our society. Human rights continue to be crucified because they are a threat to vested interests. The reflections of Neetlal on his experience in Bihar and the interview of Antony Rogers, who served prison sentence for taking up human right issues, remind us of the present grim state of affairs. However we are not left without encouraging signs of hope.

"Human Rights on the Cross" is employed here also in another sense. When the Universal Declaration of Human Rights was made at the general assembly of the United Nations in 1948, those rights were characterized as a "common standard of achievement for all peoples and all nations". But today we are becoming progressively aware of the fact that the root of these rights, in its present form, lies in Western history. They are culturally and historically bound, which raises questions about their validity in other cultural worlds. The reflections of Panikkar, centered around a story, make this point clear. The article of Arokiasamy highlights the collective dimension of human rights, while the contribution of Amaladoss underlines the crucial importance of dialogue among the various religious traditions on human right issues. My own reflections try to relate human rights to option for the poor in the light of the experience of Mandal movement, and call for a remoulding and re-conceptualization of them accordingly.

In effect, these last four articles would warrant the crucifixion and death of the present Western formulation of human rights, so that they may resurrect to be a life-giving force and inspiration to every people and nation in a unique way. By this, I think, the task that lies ahead is also indicated.

Human Rights and Grass-Roots Experiences

Introduction

Without entering into the present-day debate on many controversial issues of human rights, I present to you hereby a report of our involvement and experiences against the background of gross violations of human rights in Bihar and my reflections on the same. This report shall contain important events and factors of our involvement both at the micro and macro levels. A deep sense of helplessness can be perceived from a few local incidents cited as well as from an assessment of human right movements made in general. All the same we are not without hope. Committed pursuit of clear-cut objectives can give one a fulfilling sense of hope for the future. These reflections, it is hoped, offer to those engaged in similar work insights for self-evaluation and a sense of encouragement and solidarity in our common search and struggle.

I. Our Background: Rampant Exploitation and Human Right Violations

Human rights are fundamental natural rights to a dignified human life, which apply to everyone on the basis of his being human, irrespective of nationality, sex, status, caste or creed. In India, all rights that come under the "Fundamental Rights" in our Constitution can safely be said to be human rights. According to a Supreme Court ruling (AIR 1981 SC 746), the fundamental right to life enshrined in Art. 21 of the Constitution includes "the right to live with human dignity" and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter, and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing with fellow human beings. Any action which deprives a person

of the right to live with human dignity can be regarded as a violation of human rights. The state has the sacred duty of protecting and fostering these rights of individuals and communities. But the Indian context in which we live today reflects in no way that our people and their rights are protected.

Bihar is notoriously known for its human right violations. It reflects the exploitative situation of social life. Once you go round the villages, you come across hundreds of cases of atrocities perpetrated on women and other weaker sections of the society. The victims are afraid of reporting them to the police for fear of still more serious consequences. And in the society at large here in Bihar we find a general attitude of callousness towards violations of human rights. These are taken for granted as something usual and normal. Although it is rather difficult to make any categorical assertion for want of accurate statistics, it is quite probable that there are more murders committed in Bihar villages in a month on an average by various terrorist groups and the police than the murders committed in Punjab. Bihar murders go quite often unreported to the police or to the press. The Bhagalpur blinding of prisoners by the police, ten years ago, shook the conscience of the civilized world. Ever since that incident received wide publicity and world wide condemnation, through the media, human right violations in Bihar began to receive greater attention from the public. Going through the press reports of the last few years, we come across numberless incidents of human right violations such as police massacre in Pipra, Barhi-Bigha, Arwal, gang rape by the police in Piparia, deaths in police lock up due to torture (Jamshedpur, Hazaribagh, Ranchi), atrocities on Harijans (Jahanabad, Gaya, Rohtas, Patna), massacre of innocents in communal riots (Hazaribagh, Bhagalpur) etc. Amnesty International in its two documents (ASA 20/12/88 & 20/12/89) described reports of death in custody following torture (including rape) by police and others acting with their assistance in Bihar. According to these reports, most victims of human right abuse in Bihar belong to the *underprivileged groups, the scheduled castes and the tribal community*. Our constitution gives special protection to these groups, but their members often fail to get such protection in practice. A number of victims of alleged abuses are landless labourers campaigning for minimum wages. Judicial notions regarding the protection of civil liberties and human rights

have grown increasingly refined. But at the grass roots we see the brute force of the police and of others associated with them masquerading as the rule of law.

This miserable record of human rights in Bihar raises a number of questions in our minds. What possibilities are open for a better record? No objectively better record can be obtained, unless there is an overall improvement in the quality of social life in favour of those who are deprived of human rights. Can we possibly expect to obtain such improvements in and through an isolated involvement at the grass roots? How do you tackle the widespread corrupt divisive forces and discriminating attitudes of those who are economically, socially and politically powerful? Discriminations perpetrated in the Society, on the basis of political affiliations, religion, caste, sex, and wealth and region are in a way responsible for the violations of human rights. The major political parties, movements and organisations of the country are often seen to be part of a cruel and violent system that supports the present unhealthy state of human rights. This situation of human rights violation demands from us to put all our strength in defence of human rights. From years of experience with people and their problems we have learnt that scattered attempts at the grass roots alone are not effective enough to bring about a change. We need an attitudinal change in the Indian society, which requires a *cultural revolution*. Without mobilising the masses through a process of non-formal mass education and co-ordinating various forces at the macro level in favour of the human and democratic rights of all, our objective cannot be realised. This remains our dream.

II. Our Involvements and Experiences

At the Grass-roots

I belong to a movement called "Lok Samiti". This is my identity. I spend my time mostly in contacting people, listening to them, organising and conducting meetings and discussions with them on their problems at various levels (village, panchayat, block, subdivision and district). Motivating and animating a core group of persons and training a group of local youngsters to continue the work form part of this involvement. Besides, I try to coordinate various activities of Lok Samiti, especially those concerned with human rights at the subdivisinal level of Chatra. We

do not run any developmental projects. Our work consists exclusively in conscientising and organising people. In this work peaceful and organised struggle against vested interests cannot be avoided; on the contrary, it is accepted as one of the essential elements of the conscientising process.

Area of our operation

Chatra, the area of our operation, is a subdivision of Hazaribag district in Bihar, consisting of six development blocks. Each of these blocks has 15-20 panchayats. A panchayat consists of 10-12 villages on an average and a village has more or less 150 families. To be concrete, Chatra subdivision has approximately 1100 villages with about 165000 families. Chatra belongs to two assembly constituencies. It has no industries. The area is very much underdeveloped. People of scheduled castes, scheduled tribes and backward castes constitute the majority of its inhabitants. Due to non-implementation of land-reform-laws the greater part of the cultivable land remains in the hands of the former rich Zamindars and their descendants. The small farmers have no irrigational facilities. The landless labourers in many cases do not get the minimum wage prescribed by the government. A number of them live in subhuman conditions of forest produce at the mercy of the forest guards.

The political awareness in the villages is very weak. The villagers are easily manipulated by the politicians. The Rashtriya Swayam Sevak Sangh have recently made inroads into the interior villages and exploited their religious sentiments. They have little care for the human problems of the people. The activists of Rashtriya Swayam Sevak Sangh, Vishwa Hindu Parishat and Bharatiya Janata Party promise the people Ram Temple in Ayodhya and a separate state called Vananchal. This area belongs to Chotanagpur which according to the regional party, Jharkhand Mukti Morcha, is to form part of its proposed state called Jharkhand. In short, the inhabitants of this area, especially the landless labourers and small farmers are victims of exploitation by rich landlords, money lenders, political parties, government employees, forest guards and police. People live totally deprived of their rights for a decent human life. We chose this area in 1983 and began to function as Lok Samiti activists on behalf of the poor and the oppressed.

Lok Samiti, its ideology and methodology

Lok Samiti is a mass movement that upholds *human rights*.

It was founded by late Jai Prakash Narayan at the wake of the national emergency in 1975. He distinguished it from his political party, Janata, and made an appeal for organised people's power in the villages by forming village committees (lok samitis) for the realisation of a just society by means of his well known 'total revolution'. Lok Samiti believes that the cause of human rights can be successfully pursued in today's miserable state of affairs only by 'empowering' the afflicted people and working for a structural change in society through *mass human right movements*. 'Empowering people' is understood in two ways: 1) empowering the powerless and weaker sections of society who were socially and economically oppressed and marginalised; 2) becoming a powerful organisation of the masses, capable of exercising control over their representatives and function as pressure groups on the government to get their demands realised. Rising above distinctions of religion, caste and sex, and free from party politics, Lok Samiti promotes social justice, human and civil rights, communal harmony, national integration and democratic, secular and humanistic values.

The methodology of Lok Samiti at the grassroots consists in direct contact and involvement with the villagers on the basis of their problems. Our approach of struggle concretely aims at a five-fold result:

1. People's awakening

Any incident of injustice or violation of human rights either reported to or noticed by Lok Samiti activists is made use of as a starting point for organising those affected by the injustice and their well-wishers and sympathisers for a collective and peaceful struggle against the offenders. Through this struggle a process of awakening takes place among the affected people. Their real situation, the reasons for their struggle, their objectives and so on are constantly discussed and reflected upon by the villagers. These discussions and reflections are initiated and facilitated by the activists in their villages.

2. People's education

Mere awareness of their situation and of the nature of their problems in the limited circle of their own villages is not sufficient. Villagers are given a lot of informations. Their village meetings are used as means for their non-formal education and collective social-analysis. Various campaigns, conventions, seminars

not only on their own problems but also on similar problems at the national level arm them with knowledge and strength. They are made to participate in the collective struggles of others in the neighbouring villages or blocks which give them a sense of solidarity and self-confidence.

3. People's organisation

The awakened villagers who are victims of injustice, social discrimination and exploitation are formally organised into village committees (lok samitis) with the election of a decision-making body of their own representatives. Village committees are organised together into panchayat committees, block committees and district committees. At various levels of these committees, a close-knit co-ordination is envisaged to ensure people's participation in the decision-making process.

4. People's power

Knowledge and organisation bring power. What Lok Samiti aims at is not any brute physical power, but people's united strength of determination to check corruption and injustices by exercising control on civil authorities, representatives, government employees and other vested interests by means of peaceful methods of struggle. Attempt is made also to build up public opinion in favour of the human right organisation with the co-operation of the media and social-minded intellectuals.

5. People's action

Lok Samiti activists are no intermediaries or substitutes for the villagers to do their work. The villagers themselves are expected to carry out their common decisions into action under the guidance of the activists. Through such repeated actions and struggles they gain self-confidence. Alliance with other movements of similar ideology and common action together with them on any national issue at the macro level give them a sense of solidarity and prepare them for bigger actions for the promotion of human rights and furtherance of their participation in the democratic process.

These different stages of the method of approach do not exclude one another. In practice they take place often simultaneously. Through this methodology Lok Samiti tries to bring about a cultural and attitudinal change among the villagers. By ensuring

people's participation at these various stages, the democratic process is strengthened.

Our Beginnings as Lok Samiti Activists

Together with Sr. Lily Mathew ICM, and a social activist, Shree Mahendra Singh from Koderma, I formed a core group for our action. We formally joined the Hazaribag district Lok Samiti. Encouraged and supported by its district leaders we began functioning as Lok Samiti activists in February 1983 from a rented village-hut in Hunterganj block in Chatra subdivision. At the time people on the whole in the entire Chatra subdivision did not know about the Lok Samiti, although it was known in other parts of Hazaribag district and in a few other districts of Bihar, U.P. and Gujarat. Hence it was a hard job in the beginning to make ourselves acceptable to the people.

Struggling through suspicions, hostilities and oppositions from all sides we moved from village to village on foot or on cycle. We came in touch with the problem of the people, informed them of the ideology and methodology of Lok Samiti and began to organise them into village committees, in order to solve their own problems. Simple and open life of the members of the core team and their commitment perceived through their tireless efforts and selfless interests gradually brought down suspicions but not hostilities and oppositions from vested interests. We worked in constant contact with the district Lok Samiti of Hazaribag which guided our work and participated in our local struggles. Within one year we managed to create a good impact on the general public of Hunterganj by means of various campaigns, public meetings, conventions, handbills, wall-writings etc. Within that time we also succeeded in identifying and enrolling a number of voluntary activists and making them members of Lok Samiti. Village committees were formed in two Panchayats. This was possible as we took up issues that affected their lives and rights. By the time of 1984 elections, Lok Samiti in Hunterganj came to be considered a force that could not be ignored.

III. Human Right issues taken up at the Grass-roots

We have been taking up issues of human right violations mainly in the areas of 1) bonded labour, 2) forcible alienation of land from the poor and village disputes, 3) atrocities and

crimes on women and weaker sections of society, 4) corrupt practices of local administration and government servants.

1. Bonded labour

Identifying bonded labourers is a hard job, since their masters do not allow them to be identified. Right in the beginning of our involvement in 1983, perhaps with misguided enthusiasm we identified about 45 bonded labourers in the Rajput families of our neighbouring village, Nagar, in Hunterganj. We wanted to free them and rehabilitate them with the help of the government machinery. On our initiative the labour department of the government moved into action. But the whole affair ended up in a terrific tension. The poor bonded labourers came under attack for the simple reason that they informed us of their plight. They were beaten up and threatened that their huts would be set fire to. The Rajput masters themselves brought them before the enquiry commission one by one and made sure that they deny the fact of their being bonded labourers. Jubilant over their victory, the Rajputs reportedly planned together with the local MLA to set fire to our small Ashram — our village-hut came to be known by this time as an Ashram — and to chase us from Hunterganj. This threat could not be materialised because of the intervention of some local influential people. This initial experience of failure made us more alert. At the same time our clear-cut stand against the system of bonded labour received wide publicity. We became aware of our limitations and ineffectiveness in tackling such an issue without the backing of a strong people's organisation. At a later period we made a survey of the entire Hunterganj block, identified the bonded labourers of the block and submitted their list to the government authorities for action. But for want of an organised struggle for follow-up action the issue received no further attention.

2. Land alienation and land disputes

The powerful of the village often forcibly misappropriate lands from the possession of the weak. In Chotanagpur land records are in a real mess. Land documents of ownerships (patta) have been distributed to thousands of landless people both by the Bhoodhan committee and the government. But most of the lands for which these title deeds were distributed are really in the possession of the powerful. The land-reform laws, including the Zamindari Abolition Act 1950 could not be fully implemented so

far. Even many of the available land documents are not authentic. These documents are easily tampered with for getting bribes by the government employees themselves who are responsible for maintaining them. In such a situation it is no surprise, if the land in the possession of the poor is alienated by the powerful. How to solve these problems and restore their rights? These issues often serve us as entry points into the village.

About three fourths of village disputes are somehow linked with land problem. The rule followed is: might is right. Hence these disputes often end up in criminal assaults, grievous hurts and violations of rights followed by one-sided intervention of the police and local administration often in favour of the mighty. The disputes over the land, which are at the root of unrest and criminal assaults go unsettled and their rights remain violated even after police action and court proceedings.

In the 70's and 80's Bihar witnessed a number of organised struggles of people's organisations for implementation of land reform laws, and for the protection of the rights of the poor labourers and farmers.

Our struggle with and for the poor farmers of Khutikewal village in Hunterganj block is a good example which shows that such problems cannot be effectively solved without a strong organisation of people.

Since many years, from the time of pre-independence, the villagers of Khutikewal, i. e., about 150 families belonging to various scheduled and backward castes, have been cultivating their land in that village. They had made this land cultivable by their hard work in clearing the forest and levelling the wasteland. Only a real cultivator could claim such lands (according to the Chotanagpur Tenancy Act). Kamata Prasad is the Zaminda, who later claimed the village lands as his and the villagers were made to be his tenants.

The village of Khutikewal Kala has an area of more than 400 acres of land. According to the government records ex-landlord Kamata Prasad or any of his family members does not have an inch of land there. Many villagers have land settled in their name, for which they pay rent to the government. For many years they have also been cultivating lands, which are not yet legally settled in their name. That is supposed to be government

land. But the ex-landlord Kamata Prasad and his people claim the land of the entire village and have been for years forcefully extracting from the poor farmers half of all their agricultural produce. This they do on behalf of many fictitious people in whose name they prepared forged documents of land settlement and transfer. Neither the abolition of Zamindari system nor the Land Ceiling Act was accepted by Kamata Prasad. Many times during the past 40 years, the villagers in their individual capacity tried to resist his unlawful demand. But every time they raised their voice against him, they were forcefully and cruelly suppressed. Some of them were ill-treated and a few were even murdered. Many he harassed in various ways implicating them in numerous false cases. The local government authorities were fully aware of the atrocities perpetrated by Kamata Prasad and his men on the villagers. They knew that the villagers were right and the claims of the Zamindar were fictitious, based on forged documents. Yet they could not do anything either because they were heavily bribed by the Zamindar or because they too were afraid of him and his men who were known for their criminal activities. We, the Lok Samiti volunteers, who knew fully well the legal position, of the land and the legitimacy of the villagers' claim, took upon ourselves the risk involved in organising them.

On September 5, 1987 these people, encouraged and strengthened by the Lok Samiti activists of our Ashram, showed their united resistance against the brutalities and high-handedness of their ex-landlord Kamata Prasad. About 40 henchmen of this landlord, equipped with firearms and lethal weapons had begun to plough the villagers' land as in previous years. Though totally disarmed and helpless, in a very peaceful way they expressed their resistance and tried to prevent these criminals from ploughing their land. In the process the villagers, as well as, we, the Lok Samiti volunteers, were criminally assaulted and beaten up.

This incident of 5th September was the beginning of an organised struggle for justice. It was followed by a number of programmes and campaigns which we organized for the purpose of creating greater awareness, solidarity and courage among the poor and the afflicted as well as for building public opinion. They also exercised some kind of moral pressure on the local authorities.

There were also many incidents, such as the local police men's harassment, block physician's criminal negligence,

frightening rumours, petty quarrels, repeated threats etc., which created tensions among the people.

The people were successful in their struggle for justice through their collective power. Neither the government authorities nor the local political parties moved a finger to do justice to these people although the former knew quiet well for years the exploitation and ill-treatment the villagers suffered at the hands of the powerful landlords. The villagers today, having freed themselves from the clutches of the landlord, cultivate the small plots of land they have had in their possession for years.

But to the utter disappointment of the people, the administration even three years after the incident has not settled these lands in their possession and rectify their records. People made several representations and the government responded with promises. Perhaps it calls for another struggle and campaign from the part of the people against the corrupt and inactive government machinery.

3. Atrocities and Crimes

Apart from the problems arising out of land disputes there are many other cases of injustices and human right violations we take up. Atrocities on women and other weaker sections, for example, are very common.

A Bhumiar-Brahmin girl Kiran Kumari of Salgi village, for example, was married to one Pramod Kumar Singh in Saradu village of Tandwa block in March 1989. One month after marriage atrocities were committed on her by her in-laws to get the promised dowry from her father, which ended only with her death. There were many circumstantial evidences which showed that it was a dowry-death caused by her husband and in-laws. On the basis of these evidences the accused husband and his parents were denied anticipatory bail by the Sessions Judge, Hazaribag and from the High court. In spite of it the police was not interested to arrest the accused for the simple reason that the accused have money-power and influential position in the village.

As the case was brought to us by the brother of the deceased Kiran Devi, the women's wing of Lok Samiti took up the issue. Women delegates met the Assistant Superintendent of police, Chatra, mobilised the women of the area and finally in order to create greater awareness among the public, a rally was organised.

on 19-9-1989 in which about 1500 people, both men and women, took part and a memorandum was submitted to the S.D.O. Chatra asking him for the immediate arrest of the accused. He promised to do the needful. As a result, the police arrested them. The rally organised by the Lok Samiti was helpful to create a mass awareness among the people for women's rights.

In the course of our seven years of involvement with the human right problems, we had to tackle several such cases of atrocities on women and Harijans. Many of them were not simple but drove us to protracted period of serious struggle in the midst of tension, animosity and threats to our life and to the lives of the victims.

There are also cases of atrocities on women and dacoities which have been committed by the rich and powerful, not merely for pleasure or money, but for demoralising, threatening and destroying the weak opponents in reaction to the growing awakening of the poor.

A crude form of human right violations which the poor have to face is the revengeful harassment through false implication in criminal cases leading to their illegal detention as undertrials and even convictions for crimes which they never committed. The police and judiciary are used by the vested interests. These harassments are so calculated as to break the afflicted mentally and financially. False cases are filed also against social activists with a view to harassing them. As a result, they often get tied down to court proceedings, having no time for the organisation.

In our experience none of these problems could be settled and justice be given to the victims of these atrocities and crimes without people's power. For initially the opponents were not at all willing to go by a sense of social justice. But at the face of the people's strength and the public opinion built up against them, they are slowly forced to accept the reality and do justice to those who have been denied justice. But before reaching this stage, the victims and also the leaders of the organisation are often subjected to severe, painful and disappointing trials, pressures and oppositions from certain powerful sections of society. The affected live in constant fear and insecurity. Is not their right to live in peace and security a human right? All what we could do in a number of such cases was to organise village meetings and reach a

compromise agreement between the parties without going to police or court. Our such attempts are usually successful in villages, where our organisation is strong. In cases of unsuccessful compromises we helped the real victims of injustice to go through litigation.

4. Corruption

The common problems of apathy, inaction and the extortion of bribes by the government employees, although affect everyone, assume an *extra* significance in relation to the poor and their rights to a dignified life. Year after year they are forced to give bribes by spending a good part of their meagre income, sometimes by selling their small possessions such as utensils. As a result they are made incapable of meeting the minimum necessities of life even after hard labour and struggle. In emergency situations, such as the old and the destitute seeking old age pensions, the dying in need of immediate medical care from the hospital, innocent victims of crimes for lodging FIR in the police stations, the aggrieved waiting for justice from the court, victims of accidents seeking compensation, the poor family members and dependents for visiting their only bread winner falsely taken in custody, the poor cannot hope to get anything done on time without paying bribes. As this practice is often connived at and shared by the higher authorities no solution to this problem is easily available. This situation drives the poor villagers either to a sense of total frustration and helplessness or to violent reactions forcing them to go underground and take up arms against the machinery that perpetrates this violent system of corruption.

From all these experiences of the hard realities of the lives of the poor, we can conclude that the present state of their human rights is such that when they are violated, neither police, nor court, nor administration, nor political parties offer them any hope of redress. All doors are apparently closed upon them.

IV. Our Hope: Human Right Mass Movement

At the face of such wide spread sense of frustration among the poor, we try to instil in them a sense of hope by organising them for self help through collective power and concerted action. We place before them the ideology and methodology of Lok Samiti as clearly as possible through various formal and non-formal communications, while sharing their problems. Our activists work

for the realisation of these objectives, reducing the gap between theory and practice to the minimum.

We realise that people place their confidence in us and feel themselves attracted to our movement owing to the following unambiguous ideological stand of ours:

1. Secularism

We are committed to secularism which respects the sentiments of all the religious men and women and claims of all religions. Lok Samiti fights against fundamentalism and communalism perpetuated by any religion. In the context of today's wide spread communal tension and violence, Lok Samiti made its anti-communal stand very clear and has been organising various campaigns, action programmes, such as seminars, conventions, rallies, dharnas, padayatras, spot inquiries of riot-hit areas etc. to promote communal harmony.

2. Freedom from party politics

Parties' concerns, as perceived by the common people, are mainly to create vote banks of people to attain political power to form a government. Lok Samiti has been working from its beginning as a non-party political movement, although a debate broke out from the time of 1989 general election whether Lok Samiti should be declared to be a party, or whether it should have a party wing, or it should remain a non-party movement.

3. People's power

In a system in which the democratic and human rights of the people are violated, our struggle of empowering the oppressed to assert themselves and their rights is appreciated and supported by the poor victims of this system, although opposed by the beneficiaries of the same system. Lok Samiti's insistence on decentralisation of economic and political power remains a distant dream, although an infra-structure is at work where people from the lowest strata of society are given opportunities for participation in the decision-making process. Collective power of people has been instrumental in checking corruption and bribery.

4. Option for the poor

We have a definite option for the poor. But Jai Prakash Narayan's concept of *antyodaya* (option for the marginalized,) as opposed to Vinobaji's *sarvodaya* received a setback in recent years with the inclusion of many middle and higher class people

into Lok Samiti, who are not found to be eager to push forward this ideology.

5. Known and accepted personality of JP

Our activists go to the people in the name of Jai Prakash, the founder of Lok Samiti. As a result we are easily accepted. The suspicions that arise occasionally are soon cleared, when people become aware of our real links with various Jai Prakash movements and their involvement in our grass-roots activities. His concept of 'total revolution', although seen as an impractical utopia by many, is a fascinating ideology for many others, especially here in Bihar. The intellectuals and those who have experienced the Jai Prakash Movement of 1974-75 are familiar with it. This is an asset to our work.

Lok Samiti today, its infra-structure

In Bihar Lok Samiti is active in 15 districts. Hazaribag district Lok Samiti is the most active among them. It has more than 600 village Lok Samitis in 22 blocks. In Chatra subdivision it is at work in five out of its six blocks.

The infra-structure of Lok Samiti at the block level of Chatra consists of three bodies. Prakhanda Lok Samiti Chatra with an elected executive body is responsible for the whole organisation at the block level. Mahila Lok Samiti is a parallel women's wing which is responsible for organising women. It deals with the human right problems of women. Besides, its legal wing or Social Justice Cell called Lok Kanooni Seva Samiti creates legal awareness in the grass-roots village committees and gives them legal assistance, primarily trying to settle their disputes at the village level outside police and court. In necessary and deserving cases this Samiti helps the genuine parties in the courts to ensure justice to them.

We, three non-Biharis in the core-team, mostly function only as animators having a secondary leadership role in the co-ordination of these three bodies. We leave the primary leadership and decision-making role to the executive body. It functions under the direction of the district Lok Samiti of Hazaribag.

At the macro level

Lok Samiti is a national movement today. Its activists, while fully engaged in local action and organisation of the base, try to combine local action with macro-perspective. In order to be

able to exercise a wider national impact on the country, it made alliance with a number of non-party movements like People's Union for Civil Liberties (PUCL), Radical Humanist Association, Bihar Sarvodaya Mandal, Samata Yuvajan Sabha, Ganga Mukti Andolan, Majdoor Kisan Samiti, Jai Prakash Vichar Manch, Jan Sangharsh Vahini, Jharkhand Mukti Andolan, Chhatra Juva Sangharsh Vahini and others and formed a national forum called Sampoorna Kranti Manch (Forum for Total Revolution) with former Justice V.M. Tarkunde as its president. By means of national campaigns, rallies, demonstrations, and dharnas in Patna and Delhi we were able to highlight our position on a number of issues like freedom of the press, independence of electronic media, independence of judiciary, farmers' problems, small dams instead of big dams for irrigation, fundamental right to work, Panchayat Raj and influence the government policy in favour of the less privileged.

Specifically human right issues were taken up by the national forum. Investigations were conducted through fact-finding team set up for the purpose from the point of view of human rights on national issues like Kashmir and Punjab problems, communal riots in Hazaribag, Bhagalpur, atrocities on Harijans in Jehanabad, gang-rape by police in Pararia. On the basis of the findings of investigation mass campaigns and public awareness programmes were organised to pressurise the administration to bring the culprits of human right violations to book. These macro-level activities have an educative value for our people and served as conscience-builders, although the desirable attitudinal change in the society is seen only as a slow process.

A critical overview

In the past 15 years Lok Samiti made many attempts to mobilise and organise the masses both at the micro and macro levels in pursuit of its objectives of protecting civil, democratic and human rights. It made a number of successful campaigns. Yet it must be said that it could not yet build up a broad-based movement, capable of raising an effective voice at the national level in defence of human rights whenever and wherever they are violated. I could point out the following reasons among others:-

1. Lack of commitment to its ideology among the activists.
2. Failure of Lok Samiti in achieving its objectives, namely people's participation in decision making and local leadership.

3. Short-term vested interests.
4. Activists' search for security, often looking for external financial support.
5. Lenience towards party politics.
6. Fragmentation and group interests.

These failures, to my mind, are applicable to most of the human right movements. They are often prevented by fragmentation and groupism to act collectively and decisively to confront explosive situations of human right violations. They do not have enough strength or courage to stand up against the combined forces of the state and traditional feudal vested interests. Almost invariably they are forced to take a compromising position whenever confronted by the combined forces of vested interests either of the State or of the socially and politically powerful elite, thus perpetuating the present state of human rights.

There is no broad-based human right movement in the country. All what we have are unfortunately a multitude of scattered action groups or even bigger movements of people but fragmented due to their allegiance to various political parties or to fundamentalism, incapable of taking a national stand for secular values and human rights in the interest of the country and its less privileged country men and women. The general consciousness of the people too hasn't yet been brought up in support of Human Right Movements which are free from party-politics and religious sectarianism.

V. Reflections

By way of conclusion, we can now draw the following convictions from our reflections and experiences at the grass-roots. Some of these convictions are debatable.

1. Local action with macro-perspective

To tackle the human right violations in our country isolated action groups are ineffective. Heterogeneous action groups with a wide range of activities, ideologies and approaches have in fact contributed very much in empowering the powerless and the marginalized at the micro-level. But for want of a macro-perspective they do not succeed in having a national impact. As far as human rights are concerned, they do not go beyond highlighting human right abuses and achieving solutions to micro-issues.

Hence we need a broad-based mass movement to support grass-roots level struggles and action for the promotion of human rights and social justice.

2. Common goal

The movement must present a fascinating and transparent vision of the future. There must be a well articulated perception and acceptance of a common goal and an effective goal-oriented co-ordination in the entire movement.

3. Means and approaches

Non-violent and on-going struggle against the vested interests is to be an essential part of the movement.

People are disillusioned with political parties. Hence the mass movement, while being highly political, must be free from party politics.

Antyodaya (option for the marginalized). Organisation among the marginalized groups need not exclude the elite provided they prove themselves in practice to have shed their class superiority.

Open membership to anyone willing to accept a common ideology, irrespective of caste, class, creed and sex. We have very many examples, where people of both sexes, belonging to various castes, religions and age-groups struggled together as brothers and sisters for a common cause, risking their lives.

Participation of the people in the decision-making process is absolutely necessary for the effectiveness of the movement. The masses need to build up confidence in themselves and their collective power.

External financial support must be minimum. Activists may need financial support from outside. But it undermines their commitment to local people. Lack of local contribution diminishes people's participation and involvement.

4. Leadership

Local leadership is a must. Training of local cadres and emergence of their leadership must be one of the top priorities. Outsiders too are needed. But their role is to be limited to that of an animator and catalyst.

The activists need to prove their credibility through their identification with the oppressed and the marginalized exposing their willingness to put up with insecurities of life and really suffering with and for them. They must have the stamina to be constantly in struggle not only against vested interests but also against themselves in commitment to their cause.

5. Role of spirituality and Religions

Religions can play a common role to transform the movement from within, like salt, instilling in the people the values of human dignity, justice, equality and fellowship. Although established religions normally support the status-quo, there have been charismatic leaders in all religions, who with a deep sense of spirituality worked through the medium of their own religions for the transformation of society with more or less success. In our own country we have the examples of Buddha, Tilak, Gandhi, Narayan Guru and many others.

Common objective of all religions could be the emergence of a secular and harmonious society, without fostering the communal interests of any particular religion. If the RSS and VHP could organise one of the biggest mass movements in Oct. 1990 for a communal cause, why not spearhead a massive movement for the noble cause of building a just society in which the human rights of all are respected?

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J. Neeti Lal

Voice of a Prisoner for Human Rights

Bro. Anthony Rogers, a Malaysian of Indian origin was arrested and detained in prison for over two years for his commitment to human rights. During that period he received over 10,000 cards and letters from all over the world expressing solidarity. In his interview with Felix Wilfred, he reflects on his experience. (R = Rogers; W = Wilfred)

W: Could you say something about your background?

R: I am a Religious Brother belonging to the Congregation of Christian Brothers (De La Salle) where I have been for the last twenty years. After my studies I was teaching in our schools for 7 years and then moved into the area of non-formal education. For the past ten years I have been working in different capacities with the Federation of Asian Bishops' Conferences, namely with the Office of Education and the Office for Human Development. I have also been at the same time working with the National Office of Human Development (NOHD) in Malaysia. This is the Episcopal Commission for Development, Justice and Peace.

W: You served prison sentence for 2 years for your commitment to human rights. It would be interesting to know what led to it?

R: It may be necessary to understand a little about the background of Malaysia before I attempt to explain the reasons for my arrest and detention for 10 months in detention centres, two of which were in solitary confinement. I was also under restrictions for another 10 months.

Malaysia is a multi-ethnic and multi-religious society, made up of Muslims, Buddhists, Hindus and Christians. Muslims form 52% of the population, Buddhists 30%, Hindus 10% and Christians 6%, the remaining would be animists and others. When we gained

our Independence from the British in 1957, there were a large percentage of migrants mainly from China and India who had been brought in as labourers in the commercial sector, in mining and rubber plantations.

It is therefore interesting to note that besides the division of the country along economic functions there developed political parties formed along ethnic and religious lines. After more than 30 years of Independence there still exist certain ethnic and religious tensions that have not been resolved owing to various factors. It would be fair to state that these tensions are for the most part related to the economic status of the different races and the communal nature of the political parties. The native Malays in Peninsular Malaysia as well as the other indigenous people in Sabah and Sarawak were among the most neglected since they were mainly in the rural areas and much has been done to alleviate their poverty, and to promote their advancement through a strategy of "Positive Discrimination". Thus over the past twenty years many opportunities have been given them to participate in the economic growth that has been experienced in the country and in education and the business sector.

It is at the same time true that this move towards eradicating poverty in the rural areas among the poor and restructuring society for a greater distribution of wealth among the different racial groups has not been a complete success. It would not be an exaggeration to state that a few have gained from this process of forging national unity through a more equitable distribution of the wealth of the nation. They are closely aligned to the ruling party that has been in power since Independence. The National Front made up of the Ethnic parties has mainly been responsible for formulating policies that failed to cater to the needs of all Malaysians and has thus contributed to divisions among the various ethnic groups. The major partner within the National Front is the United Malay National Organisation, made up mainly of Muslims. The National Front has thus been able to maintain its position. There has been increasing control of the machinery of government and the *passing of numerous laws that have curtailed various civil liberties including the freedom of the press, the control of the judiciary and the freedom of speech and association*. With the majority in Parliament they have been able to pass numerous repressive and unjust laws. This has, of course, been in collaboration

with the other racist parties, each seeking to look after the interest of its supporters.

It is interesting to note that in this context the Christians although forming only about 6% of the population and the Catholics 3% have been a significant community with the nation. This is the result of the fact that the Church is multi-ethnic made up of about 57% native and the rest of migrant communities. This truly reflects the national composition. At the same time the Church has also played a significant role in national development especially through Mission schools, although they were mainly in the urban areas.

It is in this context of the developments just prior to October 1987 arrests that the Church in Malaysia was becoming more and more aware of its social responsibilities. A Church that was very much aware of the socio-economic and political situation of the nation and with the aim of promoting greater unity and harmony among the people was being challenged by the recent trends. These specifically were associated with the violation of human rights and the situation of poverty among certain sectors of the population. The mission of the Church in promoting unity and harmony through justice was clear. It was a challenge to the Church to be a visible sign of Unity, in the midst of divisions and inter-ethnic and religious tensions.

The arrests of October 1987 was also related to the increasing opposition that was being directed towards the Government. The increasing corruption, the erosion of basic rights, the freedom of the press and association were some of the issues that were being brought up by opposition political parties, social reform movements and religious organisations including the Church.

The one hundred and seven people who were arrested under the Internal Security Act (ISA), came from all these different groups in the country that sought to speak about the root causes of our disunity. The ISA is a law that allows for indefinite detention without trial. It was obviously used to curb genuine dissent and criticism against the ills of the Government and the leaders. It was also a period when there were numerous conflicts and problems within the dominant party as well as within the ruling coalition. The Internal Security Act (ISA) had been previously used

to detain opposition politicians and other critics of the government although it was introduced by the British to curb armed insurgents.

My arrest and detention was thus closely related to national events and at the same time because of my own involvement with the Church. As the Assistant Director of the National Office for Human Development, I was perceived as being in an important decision-making position within the Church and thus closely related to the thrust and orientation of the Catholic Church in Malaysia. The main message that the Government wanted to convey to all Malaysians was that the Catholic Church was also to be considered a threat to national security. In fact all those who had been under arrest needed, according to the Government, to be investigated for being a threat to national security. The government was also aware of my involvement with the FABC. They were also aware of the changes in the Church after the Vatican Council.

W: It often happens that people committed to social justice and heroically bear the consequences of it are isolated and let down even by those from whom normally support is expected. What was your experience?

R: My experience was very different. I had the complete support of not only our Bishops but all the Clergy and Catholics in Malaysia. I must say at this point that Archbishop Anthony Sater Fernandez the Archbishop of Kuala Lumpur, the President of NOHD, Malaysia played a very important role not only by total support but prophetically speaking up for justice. The understanding of our Bishops that the arrest at that time was politically motivated and that this was the price that the Church had to pay for standing up for justice and truth was understood by all Catholics. The National Office for Human Development had been speaking on behalf of the Church over the years and it was not thus the personal stand of any individual. This understanding based on the faith formation programmes going on within the Church made it easier for all to recognise the role that the Church had been playing in the past. An integral faith that had been taught to the people helped them to realise that "actions on behalf of justice and the transformation of the world is a constitutive dimension of the preaching of the Gospel" (Synod 1971).

This expression of an integral faith was the result of the process that was initiated within the Church in Malaysia to identify priorities of the Malaysian Church in the years to come. In 1976, the Bishops of Peninsular Malaysia during their one month "Ag-giornamento" identified the building of basic ecclesial communities as the priority of the Church. In order to carry on the mission of the Church, our building of Basic Ecclesial Communities should have as its focus — Unity in the Church, Formation of the Laity, Promotion of Integral Human Development, Inter-Religious Dialogue and Youth. This wholistic pastoral plans went a long way in educating the members of the Church to deepen their understanding of the mission of the Church in the context of Malaysia.

It was not only the Malaysian Church that was fully behind me during my period of detention but also the Universal Church. The letters and cards, the prayers and numerous signs of solidarity went a long way in assuring me that the Church was one. During this period I received about 10,000 cards and letters from all over the world. The Government was quite disturbed by these actions of the Church. There were clear indications within the Church that fear should not keep us from speaking the truth and being able to stick our heads out when the Gospel-demands have to be met. What created an impact was the Pastoral Letter of the Bishops shortly after the arrest. In all sincerity they said that the Internal Security Act was "immoral" and that anyone who has done any wrong should be brought to trial and be allowed to go through normal legal processes. This pastoral letter was significant because, when the whole nation was filled with fear, the Bishops were ready to speak the truth without fear or favour. This was not done in an antagonistic manner but with gentleness and genuine concern for all those who were detained.

The show of concern from the various Church organisations all over the world, was a clear indication of the ability of the Church to speak together with one voice in matters relating to justice. This indeed was a source of encouragement and support for me personally. The fact that imprisonment was the result of one's belief in the Gospel was the only reason, enough to overcome threats and dangers.

W: How did the Church in Malaysia — the leadership and the people — come to stand solidly behind you?

I have already mentioned that the reason for the support was the commitment of the Church to its mission. Our faith formation programmes, especially through the Lenten Campaigns helped to forge this link between faith and life. Our deeper understanding of the meaning of the liturgy and the eucharist in our lives, has led us to recognise the meaning of being the leaven in our society and a light within our nation. The growth of renewal movements has much to contribute to an integral approach with the spiritual and gospel values as the core of our mission.

We don't talk too much about social action in the Church as a specialised mission; we are all called by our very vocation to be involved in the political and social, in the economic and the cultural. This is what it means to be involved in the mission of the Church. *We have to be grateful to the leaders in the Church, who through dialogue have been able to grow together with the people.* The building of Basic Ecclesial Communities, is part of the Christian duty and responsibility. A Community that prays together in Church on Sunday, is also to be the People of God alive and sensitive to the cries and sorrows, joys and hopes of the people of our nation.

W: It is being said that the Church is very much concerned about human rights when its own interests are affected such as freedom of propagating religion or running of educational institutions etc. The Malaysian experience seems to be different. Yours is a case of standing up for the rights of all, across religious, social and linguistic barriers. It is something based on the dignity of the human. Can you say something about how people of other religions looked at the whole event of commitment to human rights and your arrest?

R: I would attribute this attitude of openness on the part of the Church to our historical development. During the period of the British, we were quite a privileged group. We were allowed to expand as a Church, we were allowed to open our numerous educational institutions and were treated in a manner that had allowed us to contribute to the nation. At the same time it is true that there were also some in the country who did not benefit from the growth and progress that had been achieved. This may have indirectly created a keener sense of tolerance among us. Being together as a Church that is multi-racial

we had the opportunity to understand each other's differences and to appreciate what each had to share. It may be this that has also made us feel that, we can also build a more united nation. The worth of our cultural traditions if appreciated does not become a means to assert our own but to look for the value and worth in the others. Another important factor has been, our closeness to people of other faiths. Being in daily communication with people of other faiths in our schools and educational institutions, in our work place and our neighbourhoods has made us discover the worth of persons. I can recall my own growth in christian faith and as a person was together with my friends of other ethnic groups and faiths. Even as a teacher, you begin to see your students as persons and not associating them with any particular race or religion. When we begin to interact on a human level, it is easier to discover the roots of their own religious values and experiences. This I think has contributed to greater tolerance and understanding. It may be this same experience that makes us aware of the need to promote greater tolerance and harmony among all our peoples. It is also the more recent trends towards polarization and divisions among the various ethnic groups and faiths that make us even more conscious of the need to break down walls and barriers that divide people.

In the recent past we have been bringing up many issues that deal directly with the rights of the Church that are being impinged upon. We have the duty and responsibility to do this. We need to speak the truth but we also need discernment and understanding. A narrow perspective of our rights can also do much damage. We can demand for rights that belong to us, being at the same time not sensitive to the position of others. It is also true that we have to be fair in our demands, especially when we realise our vantage position in the past. We can demand for more, it is our right but we also need to work equally for the rights of those who are less privileged. This is also with regard to the relative situations of the others. We cannot be seen as demanding only for our rights, when we have the interest of the other at heart. It is extremism of one sort or another that breeds more extreme response from the others.

Another important thing is not to have any "hidden agenda". The promotion of justice and peace calls for sincerity on our part,

an eagerness to dialogue and not to impose our views. Our ongoing dialogue with many groups especially those involved in liberation has been seen as an attitude of openness on our part.

Especially during the arrest, when the Church was ready to speak, many people of other faiths saw the Church as showing genuine concern for all in the nation. An openness to appreciate the views of others and to speak the truth was truly appreciated. So it would not be incorrect to state that beyond linguistic, racial and religious barriers, is the hallmark of the Gospel approach. A narrow "Church-centred" position can often be a hindrance to the "Kingdom-Perspective". The above is in no way a denial of the fact that, there exists still a small minority within the Church who would very much like to take a chauvanistic position, one that reflects more their narrow understanding of the Gospel as well as being tainted by their own prejudices and biases. This I think is the greatest threat to the Church that, in its task of promoting the values of the kingdom, it indirectly breeds greater religious intolerance.

W: One of the problems faced today is that people committed to human rights and justice are looked at as lacking in spirituality. In your experience, were you able to reconcile liberation and spirituality?

R: I am finding it more and more difficult to separate faith and life, the secular and the religious, liberation and spirituality. This artificial separation is seen in the Document – Church in the Modern World – as one of the greatest errors of today. It may be too simplistic to state that without the Spiritual there can be no genuine liberation and that all genuinely spiritual has to lead to liberation. What is conversion and renewal without action and deeds! On the other hand all social activism need not mean a deep spirituality. I sometimes tend to think that it is only those that sit either in the spiritual realm or in social activism seem to create this dichotomy. Those who are genuinely involved in the social will also understand that they themselves have grown from the spiritual. This spiritual perspective of social action makes one more aware of the silent workings of the Spirit in our lives. Those who often accuse others of being only social activist on the other hand may not themselves have moved away from their individualistic "pietistic" spirituality.

Sometimes too, these categorisations have been used to fight ideological battles within the Church. The Right and the Left each think that they have all the answers. They fail to realise that the Gospel is neither Right nor Left. I don't think these assumptions are valid any more. Even in the context of Asia today, there is a growing concern for those in the area of work for justice to deepen their spiritual and prayer life. This I believe is also the process of our historical growth. We will continue to have people who will use the "spiritual" and the "social" to launch their own battles, to maintain the identity and status. But this I believe will be decreasing, with a greater awareness within the Church of an integral faith perspective. An integral faith is both a deep spirituality and active involvement in society. There is no running away from this. Anyway, we don't have to fear because "by their fruits" we will know them. When gentleness, kindness, compassion and service are lacking from social activist, it is not the work of the Spirit. When "spiritualists" lack genuine concern for justice we will know who they really are. If we take time to look close enough as to how Jesus lived, these artificial dichotomies will disappear from our personal and community lives.

W: What lessons do you think we can learn from the Malaysian experience?

R: It may seem strange that a Church that truly lives up to its vocation of preaching the integral Gospel of Jesus will not fail to shed its light among all our people in Asia. We may be beginning to recognise that it is the Gospel values of Christ in the Church, that will help the people of Asia to see Christ and his Gospel as a sign of salvation for all. The people of Asia will not read our Scriptures but they are reading our personal and community lives.

When we speak of truths that bring new hope to their poverty and injustice, we are bringing new signs of hope. When we speak not only for ourselves but for others, the value of the Gospel makes sense. Only a return to the essentials will ensure our prophetic role in the future.

Religions and Human Rights

The link between religions and human rights in the world today is very ambiguous. The human right tradition in the West developed in a rationalist and humanist atmosphere that was agnostic, if not anti-religious¹. In any case liberalism seeks to limit religion to the private sphere. The Marxist movement developed a social right tradition that was openly anti-religious. From the other direction, the religions have not been over enthusiastic in their support of human rights. Though the Catholic Church can today claim, at least in its official teaching, to be a staunch supporter of human rights, this support has only a brief history of a hundred years². A fundamental human right like religious freedom was accepted by it only twenty five years ago. Hinduism is still associated with institutionalized inequality like the caste system. The Confucian tradition may tend to subordinate the individual to the group. Buddhism seems less concerned with life in this world and its structures. Islam is subject to fundamentalist waves that seek to over-ride some human rights in the name of *shariya* or the Islamic law³.

On the other hand, though human rights claim to have an absolute value that is not dependent on anything else, such absoluteness seems to lack foundation. Neither mere humanism,

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1. Cf. M. O. Maduagwu, "Human Rights Concept in European History of Thought" in *Ethical Relativism versus Human Rights* (London, Third World Centre, 1987), pp. 134-162; Kenneth Minogue, "The History of the idea of Human Rights" in Walter Laqueur and Barry Rubin (eds), *The Human Rights Reader* (Philadelphia, Temple University Press, 1979), pp. 3-16; Adamantia Pollis and Peter Schwab, *Human Rights. Cultural and Ideological Perspectives* (New York, Praeger Publishers, 1979).
 2. David Hollenbach, "The Development of the Roman Catholic Rights Theory", *Claims in Conflict* (New York, Paulist Press, 1979), pp. 41-106.
 3. Cf. Jan Berting et alii (eds), *Human Rights in a Pluralist World. Individuals and Collectivities* (Middelburg, Roosevelt Study Centre, 1990.)

nor reason, nor an ideological vision of the future, nor liberalism seems capable of providing solid roots for the defence and promotion of human rights. Only religion, with a global world view and a value system rooted in transcendence, seems capable of offering an absolute basis for rights of whatever kind. But then, we are faced with a variety of religions that not only make rival claims to truth and absoluteness but also construct boundaries that exclude other believers as infidels. Such division can become oppressive when a religion has organic links to the state, so that the members of other religions inevitably become second class citizens.

However, unless we aim at creating a world without religion, it is good to come to terms with religion in the process of promoting and defending human rights. Let us see first of all how religion can be a support for, rather than an obstacle to, human rights and secondly how religious pluralism can be a source of strength and unity rather than of division and competition. This would be the horizon of my reflections. I shall try to spell out the conditions and the means that can make collaboration among religions in the field of human rights possible.

A global view of human rights

Before I proceed to do this, it may be good to indicate briefly as a starting point what I understand by the term 'human rights'. Though the term itself has had its origin in a particular historical tradition, namely the democratic, liberal West, I shall use it, as others do, in a very broad sense to include various types of rights⁴. One speaks sometimes of four generations of rights⁵. We have first of all the civil and political rights that are usually called human rights. They have their origin primarily in the defence of the individual and his/her freedom against a State that used to claim unlimited powers over the individuals. We have then the economic and social rights that have been championed particularly by the Marxist tradition. Recognition of these rights certainly impinge upon the absolute character of individual rights. After the recent changes in eastern Europe we are realizing that it is better to defend both groups of rights together than to give

4. See, for instance, *Human Rights. A Compilation of International Instruments*. New York, United Nations, 1983.

5. Paul Rutayisire in his introduction to *Christians and Human Rights*. *Pro Mundi Vita Studies* No. 16 (1990), 2.

priority to one over the other group. The third group of rights refer to the recognition of community, whether ethnic, cultural, religious or social and its right to self-determination. Going beyond the individual it defends the identities and rights at a broader communitarian level. Only recently one hears talk of a fourth group of rights that seek to protect the earth and the environment from people who abuse them for their own selfish ends⁶.

Looking at rights in a global manner one wonders whether the term 'right' is fully understandable if it is not set in the context of cognate concepts like duties, responsibilities and values. Right is something that you claim for yourself against encroachment from others or from the State. There is a strong element of individualism in it that verges on egoism. But in the context of community to assert one's rights is also to assert the rights of others and the community situation may demand that an individual's right be curtailed when there is a danger of it trespassing the rights of others. This could simply be a situation of conflict. It could also be an occasion for mutual adjustments of give and take. Thus duties become the correlatives of rights. This is especially so when there is question of social and economic rights. A sense of community therefore will lead us to talk not only of rights but also of duties or responsibilities. A more general term is value that every one in a community is committed to respect and defend.

Unless we have such a broader understanding of rights we will not outgrow a narrow vision that sees human rights as a recent invention of the West, arising from a Christian background⁷. A certain codification of the rights and their explicitation and systematic affirmation is indeed recent. Such explicitation only shows more clearly how they continue to be violated everywhere. For example, religious freedom is said to be a sort of indicator of the situation of human rights in a particular society⁸. This religious freedom is quite recent in the West. This freedom could be said

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6. Cf., for instance, Jurgen Moltmann, "Human Rights, the Rights of Humanity and the Rights of Nature", *Concilium* 1990/2, 120-135.
 7. E. g. Leonard Swidler, "Human Rights: A Historical Overview", *Concilium* 1990/2, 12-22; Trutz Rendtorff, "Christian Concepts of the Responsible Self" in Leroy S. Rouser (ed), *Human Rights and the World's Religions*, (Indiana, Notre Dame, 1988), pp. 33-45.
 8. L. Swidler, "Human Rights: A Historical Overview", p. 14.

to be the consequence in a society that considers religion a private affair and that has built up a political and civil society on purely humanistic foundations. Yet in India, religious freedom has a long history that goes back to the Buddhist emperor Ashoka in the third century before the Christian era⁹, followed by the Muslim emperor Akbar in the 16th century¹⁰ and contemporary leaders like Mahatma Gandhi and Jawaharlal Nehru¹¹.

Another sort of broad context which we have to consider when we speak about rights is the various factors that make up social life. Human right language tends to focus narrowly on the individual vis-à-vis the state in a political context. As soon as we widen the context to include other factors like economics, social structure, culture and religion, we see the need for broadening our approach to rights. Rights themselves acquire a wider extension, as I have pointed out above. Besides the promotion of rights is not seen merely as a political project, but as a human one to which action at all levels of the human must contribute.

Religion and Rights

It is in such a broader context that I would like to reflect on the specific contribution that religion can make to the promotion and defence of human rights. Unless we understand this positive contribution, religious pluralism will be seen merely negatively as a situation that creates problems for religious freedom and not also positively as favouring the pursuit of human rights as a collaborative project.

The role of religion in the promotion of human rights can be clarified and specified both positively and negatively. Negatively, one could specify the role of religion in the context of other factors that determine life in community like culture and politics. Positively one can clarify the contribution of religion in terms of supplying meaning, vision and motivation.

If culture represents the way of life, the social structure and the symbols of celebration of a people, religion refers to the search

9. "King Priyadarsi honors men of all faiths" (Rock Edict XII) in N.A. Nikam and Richard McKeon (eds), *The Edicts of Ashoka* (Bombay, Asia Publishing House, 1959), p. 49.
10. Cf. William Theodore De Bary (ed), *Sources of Indian Tradition*, Volume I (New York, Columbia Univ. Press, 1958), pp. 430-440.
11. Cf. T. K. Unnithan, *Gandhi and Social Change* (Jaipur, Rawat Publications, 1979).

for meaning, especially in the perspective of the Ultimate. While these two dimensions of society are closely interrelated, they are not identical. Religion can be effective only in so far as it incarnates itself in a culture. At the same time, the great religions have shown a capacity to spread across cultures and find embodiment in many cultures, even though ideological and political reasons may sometimes hinder this capacity. As inculturated, religions tend to be forces for legitimating existing socio-cultural structures; as trans-cultural, religions tend to be prophetic and critical of existing structures, pointing to growth in the direction of an ideal. Unfortunately when socio-cultural structures are under attack from the impact of other cultures or new sources of knowledge like science and technology, they may fall back on religion as a line of last defence, so that religion becomes a conservative force and takes on fundamentalist overtones.

Such fundamentalism can become socially disruptive when religious identity and emotion are exploited as bases for political power, especially of a majority group in a community. Such an abuse of religion will have to be addressed at various levels. At the political level, democratic forces must oppose such communalism and the State must intervene to maintain religious freedom and equality. At the cultural level, one has to promote the ideal of a secular society in which believers in different religions can live in peace, pursuing together the well-being of all. At the religious level the mutual challenge of religions, as I shall suggest later, should help religions to re-discover their proper role in society and to free themselves from political manipulation.

The proper role of religion is to be prophetic in the perspective of an ideal to be realized and so to be critical of the existing socio-cultural structures. This characteristic of religion has to be liberated and affirmed if religion has to play its proper role in the promotion of human rights. History shows us both the possibility and the difficulty of such a role. One might think of Islam as an example of a religion that refuses to become trans-cultural. While this may be true at the level of principle, at the level of practice Islam in the Maghreb, in Arabia, in Sub-Saharan Africa, in India and in Indonesia does not have the same visage. Islamic tradition, even in legal matters, has been more supple than one

might imagine¹². Modernity has not been without its impact in countries like Turkey, Egypt, Algeria etc. If there seems to be a resurgence of Islamic fundamentalism in some of these countries, the reasons may not be strictly religious, but socio-political, with a basis in economic conditions. The Church seems to have fully recovered its prophetic role only in this century when it has lost its dominant position in society, because of the process of secularization and the growing autonomy of the secular world. One could make similar analyses about Buddhism and Hinduism. Fundamentalist movements in Hinduism are more political than religious in nature, though they abuse religious sentiment. Religions, therefore, continue to be prophetic only in so far as they remain trans-cultural, without being identified too much with a particular culture and its structures. As I have pointed out above, religions have to be prophetic, not only with regard to politics and culture, but also with regard to each other, especially when they are tempted to ally themselves with political power.

In the past, either religions have used political power to impose themselves, or politicians have sought religious legitimation for their own projects of domination. In the Christian tradition there is a long history of conflict between the two swords, each one trying to dominate the other. The Islamic tradition too has had and is still having tensions in this difficult relationship. The process of secularization in many contemporary societies has led to a growing differentiation between institutional religion and politics (State). Though religion cannot be a-political as long as it seeks to be relevant to life, it must give up any pretension to political power, if it wishes to preserve its moral authority and freedom to be prophetic and critical in society. Correspondingly, the State must realize its limits in maintaining public order and in

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12. See the section on Islam in Leroy S. Rouner (ed), *Human Rights and the World's Religions*, pp. 63-112; Roger Garaudy, "Human Rights and Islam: Foundation, Tradition, Violation", *Concilium* 1990/2, 46-60; Abdullahi Ahmed An-Na'im, "Qur'an, Shari'a and Human Rights: Foundations, Deficiencies and Prospects" *Ibid.*, 61-69; Rashid Ahmed Jullundhri, "Human Rights and Islam", in Alan D. Falconer (ed), *Understanding Human Rights: An Inter-disciplinary and Interfaith Study* (Dublin, Irish School of Ecumenics, 1980), pp. 34-46; Maurice Bormans, "I diritti dell'uomo nel mondo religioso dell'Islam" in Gino Concetti (ed), *I Diritti Umani. Dottrina e Prassi* (Roma, Ave, 1982), pp. 495-512.

providing space for the freedom of individual and groups, while being protective of the weak and the oppressed. This delicate balance between institutional religion and the State remains an ideal to be achieved almost everywhere. Sometimes one distinguishes between the legal obligations that the State can impose in the interest of public order and the moral ideal that Religions continue to proclaim. It is this distinction between the legal and the moral that provides a free space for constructive action by religious groups in the defence and promotion of human rights, because the State does not have the exclusive responsibility of securing and defending all human rights taken in its broad sense. It cannot arrogate to itself a responsibility that belongs particularly to the people as such. If human rights are not defined just formally or negatively, then the whole community is responsible for securing them for its members. The State has its constitutional responsibility of protecting civil and political rights and of defending particularly the weak and the vulnerable, precisely in the context of preserving justice and the public order¹³. But the positive work of promoting and achieving social justice can only be done by the voluntary and organized action of individuals and groups. It is in the animation of such groups that religion has an indispensable role.

The Religious role of animation

The task of this animation can be spelt out in three steps. First of all religion provides a world view and a meaning to life in community, in history and in the world. Of course, ideologies, particularly liberalism and Marxism, seek to do that too. But the inadequacy of such ideologies are only too evident to need demonstration. The institutions of a particular religion, in terms of creed, cult and organization, may fall short of this ideal. But as meaning systems that deal with the ultimate perspective, religions do provide a vision that gives an orientation to history and to human effort. Such vision sets up the ideal that 'judges' what we have been able to achieve concretely and provokes action for progress.

Secondly, religion in providing such a vision that transcends the present order and finds its roots in an ultimate also provides a foundation for the ideals expressed in terms of rights. I think

13. See D. Hollenbach, *Claims in Conflict*, pp. 203-207.

that many commentators agree that reason or humanity does not provide a sufficient foundation for human rights, precisely because various cultures have a variety of views on these realities¹⁴. It is true that religions too differ among themselves in their anthropological perspectives. But whereas cultures remain at the level of the pragmatic and the socio-historical, religions try to root them in ultimate and transcendent realities. Even if their conception of this ultimate may be different they agree upon the fact that neither this world nor human society nor the individual have any ultimacy in themselves. Therefore religions provide moral values an absolute foundation, even if in translating them into human rights in a particular time and place a certain socio-historical conditioning cannot be avoided. But we can avoid the danger of absolutizing the historical and the contingent only in the light of values and principles that transcend the historical and contingent. Only religions, understanding them in a broad sense to include all ultimate meaning systems, can provide an ultimate ground for values. Thus the Christian tradition sees human dignity in the human being as the image of God; the Hindus see it in the human's deep non-dual identity with Reality itself; Islam sees everything as God's gift; Buddhism's quest for nirvana judges all that is relative and historical. Similarly at the social level, the Reign of God, the ideal of *Lokasamgraha*¹⁵, the *Umma*¹⁶ or the *Sangha*¹⁷ provide ideals that keep hope and enthusiasm alive in human and community effort.

At a deeper personal level, religious faith provides motivation that can lead to change of attitudes and behaviour. Of course there can be motivations at various levels and every one learns early to adapt one's behaviour to achieve the goals one sets for oneself. But religious motivation reaches out to the depth of personality and causes profound changes that can lead to real societal transformation. This seems particularly necessary when there is question, not of claiming something for oneself, but of giving something up for the sake of the other or of the community. Giving up something for something better for oneself may not be that difficult. But self-sacrifice for the sake of the other requires deep religious motivation and models.

14. Cf. Alison Dundes Renteln, *International Human Rights. Universalism versus Relativism*. (London, Sage, 1990) pp. 61-87.

15. "World maintenance" in Hinduism.

16. "The Community" in Islam.

17. "The Fellowship of the Monks" in Buddhism.

Rights and Religious pluralism

The defence and promotion of human rights in the context of religious pluralism raises a new set of questions and problems. One could reflect over these at an abstract level, examine the approach that each religion has to human rights and explore how different religions can interact or collaborate in their promotion. I would rather prefer to reflect in the context of a society which is multi-religious: members of different religions living and working together in one civil and political community. Today we have them everywhere, in Europe, Africa and America, as well as in Asia.

In such a situation, the very first requirement is obviously religious freedom. The basis for this religious freedom is two fold. First of all there is a respect for the individual and his/her conscience and the acceptance of his/her freedom to follow his/her conscience in matters of religion. Secondly within the context of one's own faith one makes space for other religions in the perspective of the one God who is the creator of all peoples and whose providence somehow includes also the religions, whatever be the differences among them.

Only in such an atmosphere of religious freedom can one avoid the constitution of confessional States that are closely associated with the religion of the majority, while being tolerant of the religions of the others. Here we encounter the very first obstacle and we have a variety of solutions in the various political Constitutions of the world. Realizing the difficulties of the situation one can understand the desire of the Moslem emperor Akbar of India in the 16th century to found a common religion that contained all that was good in the different religions. Without going into the relative merits of the different political systems, one can say that the ideal situation seems to be a State that is neutral towards all religions, but does not interfere with religions exercising their proper animating role in society. I think that religions become relevant in public life only when religious freedom is not merely a right to be left alone to profess and practise one's religious beliefs, but there is a positive appreciation of the role religions can play in the building up of the community. We have to move from a situation of tolerance of other religions to one of collaboration in the pursuit of a common goal, namely the well-being of all.

Collaboration supposes a basic agreement on common goals and values and the means used to pursue them. The community expected here does not have to do with the ultimate meaning systems and beliefs where religions obviously differ, but with the values that give substance to public life and to the pursuit of human and social well-being in this world. The community need not be based on agreement on a sort of minimum common denominator, but on a convergence, each one proceeding from one's own roots and faith perspectives, but discovering that there is a basic agreement on certain common values. This is not the pursuit of an abstract 'humanum' cut off from its transcendental or divine roots¹⁸. This is rather an agreement on values to be pursued, but which find their roots and full meaning variously in the various religions. Thus all can agree on values like life, justice, freedom, equality etc., even if each religious tradition seeks to give its own justification for the pursuit of those values¹⁹.

Conditions for Inter-religious Collaboration

Such a project supposes a certain number of conditions that have to be realized in order to be successful. First of all, each religion must keep itself free from being exploited by social and political forces. Fundamentalism in religion has often economic or socio-political causes. For example, contemporary fundamentalist movements in Islam seem to have been defensive reactions to the impact of western culture perceived as destructive of social and religious values.

Secondly, each religion must be aware of its autonomy with regard to cultural and social structures in which it is embodied and of its prophetic role in society and culture. Such a dialectical relation to society and culture not only makes each religion a force

18. Cf. Karl-Joseph Kuschel, "World Religions, Human Rights and the Humanum", *Concilium* 1990/2, 95-101; Hans Kung, "Towards a World Ethic of World Religions", *Concilium* 1990/2, 102-119.

19. David Hollenbach, "Human Rights in the Middle East: The Impact of Religious Diversity", *Justice, Peace and Human Rights*. (New York, Crossroad, 1988), pp. 108-124. See also Alfred Hennelly and John Langan (eds), *Human Rights in the Americas: The Struggle for Consensus*. (Washington, D. C., Georgetown University Press, 1982); Gwilyn Beckerlegge, "Human Rights in the Ramakrishna Math and Mission: For Liberation and the Good of the World", *Religion* 20 (1990) 111-138.

for social change, but also deepen and develop its own perspectives on reality under the challenge of changing social and cultural situations in history. Even though religions refer back to a primordial meaning tracing it to a revelation or to a founder or to a foundational period, in the ongoing process of history, in order to be relevant, they keep on interpreting the contemporary significance of this primordial meaning and thus build up a tradition. Religions keep this ongoing tradition alive precisely in dialoguing not only with changing socio-cultural conditions, but also with other religions.

In the context of the promotion of human rights, as for example the rights of women in Islam, what will be effective is not the imposition of these rights either by law or in the name of modernity, but the persuasion that these values arise from deeper perspectives of Islam itself, though they have not been sufficiently developed and exteriorized because of historical and cultural conditioning in the past. The alternatives are the thorough secularization of social and cultural life and the privatization or even abolition of religion. This will not lead to an organic growth and transformation. New legislation may succeed in enforcing a certain external conformity. But it will not change basic attitudes. Making untouchability illegal has not solved the caste problem in India. Equal right legislation in favour of women will not do away with the real discrimination that women suffer in society. On the contrary the traditional structures may even become self-defensive. Real change must be promoted at all levels, legal, social, cultural and also religious.

One of the causes of such a real change at the religious level may be the challenge of other religions in the context of inter-religious dialogue based on mutual respect and understanding. I am taking for granted here that religions are open to such a dialogue in the context of living together in one common civil society. A religious tradition that resists the impact of merely social and cultural forces as an attack on its identity, may be open to the persuasion of another religious tradition in an atmosphere of dialogue, especially when there is an effort at collaboration in creating a community. This supposes that there is an atmosphere of dialogue without hidden motives of proselytism.

Liberation as the focus of dialogue

A good way of achieving such an atmosphere is to focus the dialogue, not on religious themes and problems that would rather highlight differences and hurt against mutual absolutist claims, but on social situations of conflict, in which the believers of different religions can commit themselves to collaborate in working for peace, equality, justice, freedom etc. The challenge that they have to meet will come not from each other's claims to religious truth, but from a situation of injustice in which basic human rights are being violated. Even if the different groups of believers do not share the same ideas about the values in question and justify their participation in terms of their own faith convictions, there may be a convergence on common action in the defence of human and spiritual values²⁰. In the context of such common action, dialogue about each other's motivations and sharing of each other's convictions may lead to mutual challenge and growth even at the religious and spiritual level. Such mutual challenge on the occasion of a common project will also be non-threatening. Perhaps this would be the best way of dialoguing between religions. In the process of such a dialogue the different religions may discover a certain complementarity in their approaches and perspectives, which may help not only towards mutual enrichment, but also to a more adequate and holistic understanding of the rights in question. Thus, for instance, while the 'prophetic' religions have a more 'acute sense' of the individual, the 'mystic' ones have a greater sense of the totality and of community and participation. The oriental religions have also a greater sensitivity to religious freedom and to nature, ecology and environment, while the western religions seem to set greater store on human effort and history²¹. One could also hope that collaboration at

20. Cf. M. Amaladoss, "Liberation as an Inter-religious Project". See a German translation in Felix Wilfred (ed), *Verlass den Tempel* (Freiburg, 1988), pp. 146-178.

21. See the papers in Leroy S. Rouner (ed), *Human Rights and the World's Religions*; Mochtar Lubis, "Asian Cultures and Human Rights", in Jan Berting et alii (ed), *Human Rights in a Pluralist World*, pp. 125-132; Bithika Mukerji, "The Foundations of Unity and Equality: A Hindu Understanding of Human Rights", *Concilium* 1990/2, 70-78; Sulak Sivaraksha, "Human Rights in the Context of Global Problem-Solving: A Buddhist Perspective", *Concilium* 1990/2, 79-90.

social and cultural levels would lead eventually to sharing at deeper spiritual levels and to the experience of a fundamental unity in the presence of the divine.

What I am proposing here may not be common. But certainly it is not new. Mahatma Gandhi, in his own person and work, is the fruit of such a dialogue between different religious traditions. He always had around himself believers of different religions who worked with him for the social and political liberation of the people of India. He used to have prayer meetings in which texts from different religious Scriptures were read and reflected upon. That was his way of promoting fellowship among different religious groups, especially Hindus and Muslims. He was actually shot while he was on his way to one such meeting by a Hindu fanatic who did not believe in such inter-religious efforts. A more recent and international example is the symbolic event of Assisi (October, 1986) where Pope John Paul II and leaders of many other religions came together to pray for peace.

No religious group is a monolith. Even a well organized group like the Roman Catholic Church can hardly be said to share common perspectives on these matters, whatever be the official teaching of the hierarchy. In every religious tradition there are fundamentalists and fanatics. If our focus is on concrete projects for the defence and promotion of human rights, it will be more interesting to form local action groups of people of good will belonging to different religions, but committed to common action at the socio-cultural and even at the religious level, in the sense I have indicated above. One could think of them as Basic Human Communities that would be the first fruits of the convergence of humanity into a unity that will be the Reign of God.

Religion that is not involved in transforming life is alienating. That is why inter-religious dialogue should move beyond sharing experiences and discussing theology to mutual prophecy challenging each other and to common prophecy challenging together socio-cultural and political structures that are oppressive. Such challenges will be credible and effective only in the context of their commitment to the promotion of common human and spiritual values for the well-being of all.

The Mythical Horizon of Every Human Right

I am a self-supporting villager with a small farm of my own and have three children. I do not see why I have to pay some strange taxes to maintain, they say, an army and a social infrastructure which make possible my security. Our family has lived for generations without such qualms. My son has also refused to go to what they call the military 'service'.

And now I hear a grand talk about Human Rights. I am not undermining the power of the State, I am not intending to establish a *new* style of life. My son is not challenging any of the 'sacred' principles of democracy. We are not isolated individuals either. We have lively relations with a vast number of people and have an enriching net of exchanges in all senses of the word. We had our own well and animals. Now they have put strange pipelines and ask us to contribute to the 'service' they do to us - which we have neither asked for nor do we see it bringing real advantages. It makes us more dependent on who opens or closes the faucet (which word, incidentally, I am told, comes from falsifying). I am ready, just to make a compromise, to pay some compensation for the alleged 'service'. But not for the militarization and industrialization of the country, which they say extend far beyond the limits of the real history of the people who speak our own language, which they call dialect.

Now, I am fined, punished, and so is my son. Do we not have the *right to be ourselves*? Do we not have the right to decide about our lives, provided we do not harm others? Have we *rights* only if we join the train of modernity which has to move on pre-fabricated tracks?

They speak about the voice of the voiceless, but it is always their voices - and their languages. They say that feudalism

is over, but I fail to see the difference. The only difference is that it is now practically impossible to escape their computerized controls. Before, it all was done as a matter of fact and fate. Now, the attempt they make at justifying it and the entire talk about Human Rights, backfires, for we have lost our innocence and are not convinced by their arguments. I wonder if we have really 'progressed'.

I am not speaking about 'revolutionary' people as those who want, for instance, a separate country, region or upset the status quo. What right has a State to declare its proper limits sacred and untouchable when people within those limits seem to question both the sacredness and the inviolability? My case is milder. It is the query of the Human Right to a dissent which does not upset anything — except, perhaps, they say, that this will set a precedent and trigger a 'domino effect'. If they preach democracy I do not understand their fear of people's opinions. I am merely asking whether I have the Right of not playing the game, of abstaining. We are not subversive. We are peace loving people. And my simple question is about the meaning of Human Rights, of individual human rights — since I hear that the Human Rights are precisely there to protect the right of individuals against coercions from higher powers.

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So far the query. Let us listen now to the sociologist, the psychologist, and the philosopher.

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The *sociologist* will argue like this:

You do not realize that you are not alone, that you are forming part of a great nation which needs your collaboration precisely to make possible what you are dreaming of. You are living under a democratic constitution which states that we, the sovereign people, have given us that charter in order to live in peace. So you should bow to the will of the majority who through their representatives have decided that the common good demands from you these services.

No need to say that our Man will not be convinced. He has not framed the Constitution nor was he asked anything of

what the sociologist is talking about. He has even different ideals. And our Man is sufficiently self-taught so as not to abide by the argument that his abstentionism produces a great evil. He is not tempted to organise a political party in order to fight for his rights. He has neither the means nor the liking, nor the faith that such is the way. He is precisely contesting the very rules of the game of the so-called democratic set-up. They say one Man one vote. His experience tells him: one rupee one vote. His only reaction will be one of resignation, apathy, loss of enthusiasm, and will simply yield to the pressures, and eventually compensate the injustice he feels victim of by going 'the way of friends', which is what others call corruption.

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The *psychologist* may take a different route. He will say something like this: Your reactions are diachronical. You live in another time, you have not yet evolved and fail to realise that the world today lives on another wavelength – and you have got to play the game. You have the right to dissent only within the limits set up by the Constitution, but meanwhile you have to abide by the rules of society. You have now plenty of rights which you did not have before, let alone that of voicing your discontent. But you should not contest the very democratic foundations of our rights.

To which our Man may answer, taking the hint from the psychological jargon, that perhaps his position is not diachronical, out of time, but diatopical, out of place. Has he to accept psychological homogenization in the same way that they impose agricultural homogeneous programs and monocultures of all types? Has one not the right to live in a different time and also on a different space? Are Human Rights only for modern democrats?

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The *philosopher* will ponder within and will feel incapable of talking to the peasant. The problem is not of the *logos* – and thus no rational word will do – but of the *mythos*. That petty land-owner lives another world and not just another vision of the (same) world. This is what I call *The Conflict of Kosmologies*.

Human Rights have been presented as universal rights, but they are such only within a very particular mythical world. It is, to be sure, the predominant mythical world of the 'developed' nations.

and the 'elites' profiteering from the 'developing' countries. The 'Human Rights' come from the *mythos* of that predominant culture which sees as mythical the world of the 'undeveloped' peoples, but is unable to discover its own myth.

The alternative is not 'Human Rights' or nothing, anarchy, the exploitation of the poor and no bridle to the abuses of power. 'Human Rights' try precisely to counteract. The alternative is to find the *homeomorphic equivalents* in each culture so that human dignity and the sacredness of reality may be safeguarded — as I have tried to explicitate elsewhere¹.

Our philosopher may still ponder how easily under the cloak of 'Human Rights' a particular 'civilization' may penetrate into others and disrupt the fabric of different cultures. Our philosopher may have sympathy with our peasant, but remain speechless in front of him and his son. The philosophical talk about myth and logos, about cosmology and kosmology, individual and person requires not only theoretical knowledge. Of this the Man of our example is fully capable. The responsible philosophical approach is not a lifeless abstraction in the realm of ideas. A meaningful philosophical reaction to his questions requires *praxis*. It has to take into account the *Sitz im Leben* of the discussion. Philosophy cannot abstract from power and politics. And present day philosophy has been often devitalized because made to function in an ideal world. Philosophy has severed its links with science, on the one hand, and theology on the other. The three now suffer from the split.

Within the concrete context of present day India our philosopher may still think in serene but melancholic mood:

We are in a situation which has yet hardly reflected on the meeting of cultures and encounter of religions in 'post independent' India. We hurried, for political and historical reasons, to imitate the model of western civilization. It is undoubtedly one of the greatest civilizations of the planet, but certainly neither the only one, nor perhaps the most congenial to the indic subcontinent. We acted as if our traditional cultures were either dead or inferior, and

1. "Is the Notion of Human Rights a Western Concept?". *Diogenes*, Firenze (Casalini) 1982, no. 120, pp. 75-102.

superimposed a political pattern borrowed from the anglosaxon world. Perhaps there was no other viable alternative. Now the West is having second thoughts, but we are already thrown into the technocratic complex. If we retrieve we may perish. If we do not, we will certainly do².

The philosopher feels paralysed to speak. To incite rebellion courts total fiasco. To allure to obey undermines the nerve of sane people. Our philosopher is thankful for the questions of the peasant but is now going to meet the intellectuals and urge them not to be satisfied with some amendments here and there. These are urgently necessary. But a thorough transformation is essentially required. If the four millennia of the culture of this subcontinent mean anything, it is taking them into account that political and human problems have to be tackled. We can strive for success in international markets, but no people can truly live from a borrowed myth.

2. This is the dilemma I try to 'break' in my forthcoming book: *Indra's Cunning*.

R. Panikkar

Human Rights

Collective, Societal and Liberational Perspectives

I

Historically, the political thought and practice of human rights point to the promotion of individual rights within a given society in the Western tradition. In its modern version, they are articulated within the framework of liberal democracy. The conceptual framework is individualist. There is an ideological linkage between liberal democracy and individualism¹. Human rights proclaimed and promoted in this ideological nexus are not adequate to Third World countries. In the Marxist tradition, there is a distinct stress on economic rights in contrast to that on civic and political rights in the liberal democracies of the West. Marxist tradition also maintains the inseparability of personal freedom and social freedom linked to the creation of a socialist society.

Today we need an approach to human rights that stresses rights of groups, communities and peoples into which those of individuals are integrated. This approach is needed all the more in a divided world and in a no less divided India. The global divide between the powerful and affluent nations of the North and the powerless nations of the South and that, in our country, between the powerful elite at the top of the social pyramid and the powerless at the bottom of society calls for a political process of liberation for the creation of a just social order. In this context, it is not the protection of individual rights, which implies conformity to the status quo of the divide that has to be ensured, but justice and solidarity of peoples, especially the marginalised and the powerless and their rights to struggle for justice, freedom and dignity.

1. Aloysius Pieris, "Human Rights Language and Liberation Theology" in *Vidyajyoti* 52 (1988), P. 528.

If a tribal or dalit worker is beaten up because he/she asks for just wages, if children of the marginalised families are exploited through cheap labour, if landless agricultural labourers, often dalits, become bonded in the clutches of the landlords, we cannot interpret them merely as violation of rights of individuals. Such a situation points to two things: a) These marginalised workers are not individuals but form a group and class. It points to the unjust arrangement of our society in which economic and political power is concentrated in the hands of a few. Hence the claiming of rights by the powerless groups in our society becomes liberation struggle transcending the individualist approach to human rights².

In India, during the Independence struggle, the struggle of the subjugated nation against the colonial power was a struggle of the people for freedom, a collective struggle to become a people with the control of our destiny. However, when it came to civil liberties, the approach was that of the western countries, viz. to guarantee the rights of citizens as individuals³. Many of our human right groups (e.g. PUCL and PUDR) follow this framework. They draw inspiration from the Universal Declaration of Human Rights (U.N. 1948) and the International Covenant on Human Rights (1976). Of late Amnesty International also becomes a model for them. The presuppositions of these agencies are that the nation state is the ultimate arbiter of human right issues and that each nation is democratic. Here lies the problem for Third World countries like India.

We seem to be content with the post-Independent India that it is a satisfactory parliamentary democracy in which the human rights are guaranteed in principle for which the constitution is the guiding norm while we ignore the great social divide between the powerful few and the powerless many. It is of fundamental importance in our situation to reckon with what type of society we are in and what type of society we want to create. Rights of people are related to their communitarian and societal existence.

In an unjustly divided society, violation of human rights of the powerless (dalits, tribals, landless workers, unorganised

2. Pieris, art. cit., p. 534.

3. P. A. Sebastian, "The Shifting Modalities of Struggle - The Setting up of the Human Rights Tribunal" in *Rethinking Human Rights*, ed. Smithu Kothari and Harsh Sethi, Lokayan, Delhi, 1989, p. 119.

labourers) and their exploitation become structurally easy. That is why we need to pose the issue of human rights in a socio-analytic framework. Socio-cultural analysis reveals to us the structural pattern of guarantee or denial of human rights not only of individuals but of groups, communities, tribes and classes. It shows up the societal causes of human right violations and the class relations implied in them. In a divided society, to speak of equal rights of all, or human rights of everyone (a phrase that occurs often in U.N. documents of rights) without adverting to the structural divide which secures easily the rights of the powerful and leaves the rights of the powerless fragile and vulnerable is not sound and helpful.

II

Option for the Powerless

In a world of unequals, human rights call for priorities and preferences in favour of the powerless who are classes or groups. This implies that any approach to human rights in a country like India must recognise the marginalised as groups or classes or in their socio-cultural collective identity (like dalits) and accept preferential option for their rights in an inclusive sense. When we adopt this collective preferential approach to human rights, we affirm that through this option and priorities that go with it, we move towards the rights of all. It is through *antyodaya* we move towards *sarvodaya*.

Human rights of the powerless and marginalised groups are claims for justice, equality, freedom, life and dignity. In an unjust society their claims become liberation struggles in which they become participants in their own liberation and history and which question the totalising system of a divided society. Hence it is not a struggle for rights within an existing system or for reforms under it. It is a struggle for societal change.

The Western approach to human rights is reformist and individualist in its framework and strategies. The church too in its stand on human rights has been largely in this framework⁴.

4. David Hollenbach, "Global Human Rights: An Interpretation of the Contemporary Catholic Understanding" in *Human Rights in the Americas: The Struggle for Consensus*, ed. Alfred Hennelly and John Langan, Woodstock Theological Centre, Georgetown University Press, Washington, D. C., 1982, pp. 9-24.

Of late, in the Third World churches, and in the official stand of the Roman Church, there is a shift towards liberation and societal change (Cf. Documents of Medellin, Puebla, John Paul II's "Social Concern of the Church").

Liberal approach to human rights criticizes the natural law and abstract universalist approaches. Pieris argues for a biblical approach to human rights in which the foundational experiences of the faith communities become the norm for social justice, freedom and solidarity⁵. The Exodus experience is a foundational experience of a community being liberated from the societal chains of slavery of Egypt to a land of freedom for becoming a people. Jesus' own life is summed up in the founding of a new covenant community of freedom, justice and love. The approach is one of liberation of a people. In this approach human persons are relational, called to community and solidarity. We have to transcend non-relational anthropology.

III

Relational Anthropology

Traditional anthropology stresses reason and freedom of the human person and the understanding of one's dignity in terms of these characteristics. Such an anthropology is the basis of the individualist approach to human rights. It ignores the basic relationality of human persons. Persons in history are free, needy and relational⁶. The fundamental human situation is relational situation. I understand the accounts of creation in Genesis, 1:26-27 and 2:18 as affirmations of relationality and community. God created humankind in his image and likeness, consisting of men and women (Gen 1:27). Creation of Adam is creation of human community. Human community is not of males nor of females. Human community is incomplete with men alone or women alone. "It is not good for man to be alone" (Gen 2:18). We are created as relational beings and called to create and shape greater and richer relationships of human community and solidarity. Biblical anthropology is relational anthropology. There is neither room for individualism nor collectivism but community and solidarity.

Relationality of human beings expresses itself in interpersonal relationship, builds itself into a communitarian solidarity,

5. Pieris, art. cit., p. 530.

6. Hollenbach, "Global Human Rights..." in Op. cit. p. 18.

embodies itself in societal arrangements and flows into cosmic affinity of all beings. Within such a varied anthropological relatedness, human persons stand called to community and solidarity of all humankind. Hence the rights of human persons are the rights of relational beings called to shape and achieve greater relatedness of the solidarity of all. There is no room for rights of human beings in isolation. All human rights essentially and existentially spring from the relational nature of human beings in their historical embodied situation.

However, in a divided world, this fundamental relationality is wounded and ruptured. Personhood of human beings and peoplehood of human community, especially the powerless and the marginalised are denied in an unjust world. This demands an option for the personhood and peoplehood of those at the peripheries of society. They are expressions of the basic relationality of human beings. Human rights will, therefore, demand for their wholeness, liberation from ruptured relationality of persons and communities expressed in diverse alienations in the realms of economics, politics, culture, religion and ideologies. Rights of relational human beings in a divided world become an agenda of liberation. In the perspective of relational anthropology, individualism of human rights and any ideological justification in this closed sense will be indefensible and unacceptable.

In relational anthropology there is no room for narrow one-sided androcentrism expressing itself in sexist oppression of women supported by patriarchal ideology. In the Indian context we cannot accept hierarchical anthropology implied in varnaic social order that creates graded inequality and sanctions untouchability as in Hindu society. Nor can we accept narrow anthropocentrism that is blind to ecological relatedness of all beings.

Relational anthropology rejects individualist approach to human rights. There is no room for dichotomy between human rights of individual persons and their communitarian existence in and through which human persons flower into personhood and peoplehood. At the same time in a situation of socio-cultural pluralism, there is the specificity of human rights of different socio-cultural groups. It means we recognise that there is a socio-cultural relationality of persons, community and people. When we pay attention to socio-cultural specificity of marginalised groups,

and their rights, we do not see them in monadic isolation. Marginalised groups are inter-related in the social roots of discrimination against them and in their struggles for social justice.

IV

The Marginalised as a Class

In a collective approach to rights of the marginalised groups in a liberational framework, we understand that the rights of people are violated in their concrete history in so far as they belong to a class (e.g. agricultural workers), to sex, age (e.g. child labour), to culture, religion etc. Violation of the rights of people cuts across these categories of historical situation of persons and peoples. Women's rights and their personhood are violated in sexist oppression because they are women. Dalits are ill-treated and culturally made to be silent precisely because they are dalits. There is exploitation of the cheap labour of children precisely because of their age vulnerability. Tribals are easily discounted in the modern development model precisely because of their socio-cultural powerlessness. This means that in a divided world and country, human rights become rights of concrete groups, classes and socio-cultural communities who are victims of injustice, economic and political powerlessness and culture of silence.

A. Specific marginalised groups and their rights

Let us take the example of the right to land of the adivasis. The whole of tribal life is intimately linked to land and forests. Land is not an individual possession which one can accumulate through greed. Land and forests are the home and symbol of the whole tribal existence. Land is not just an economic commodity but belongs to socio-ethnic religious order. The story of exploitation and deprivation of tribal land is robbery of the life-base of these communities. Land is a matter of survival and life for tribal communities. Hence rights to land is a people's right. Their struggle for this right is a liberation struggle which questions and confronts the powers and structures of exploitation and oppression. The modern heavy industrialization, intensive felling of trees, projects of huge dams financed by multinational funding agencies together with exploitation by contractors and money-lenders leave the tribals displaced and exiled from their own home. This means

rights to land and use of forests are fundamental rights of tribals. In the type of development pursued in our country, the perspective of the powerless is kept out of the purview of the planners. Jharkhand movement is an expression of tribals struggling for their rights and socio-cultural identity. It is a liberation struggle of a people.

The case of dalits in our society is another example. When dalit women are exploited and raped easily, when they are easily bonded by contractors and landlords, when they are treated as untouchables in social relationships and excluded from them, there is a structural or societal dimension in this violation of their rights. When an individual's rights are violated, the collective socio-cultural dalitness of the group is operative as a source of exploitation for high castes. The individual dalit can fight against this source of oppression only in solidarity with the community that bears this burden. Hence in the violation of the rights of one dalit member it is the whole community of dalits that is buffeted and humiliated. Dalitness as source of oppression is borne by individuals and the group together.

The existing legislation that makes untouchability a crime cannot eliminate it in its collective structural sense. It can give only redress to individuals within the status quo of caste-power-dominated society. At the most it can help towards upward mobility of individual dalits. But an awakened dalit community struggling in solidarity against the curse of untouchability can effectively eliminate it and contribute to the creation of casteless egalitarian socio-cultural order. That is why all those who want such a transformed social order must support the collective struggles of dalit groups. Another important insight of such collective dalit struggles is that liberation of dalits as a group has to be in terms of their own socio-cultural identity. True, human liberation of dalits cannot be in terms of upward mobility into high castes. Dalits want equality and justice in terms of their own socio-cultural ethnic identity. All this cannot be served by the prevalent individualist approach of human rights or by an abstract universalist approach to human rights which only favours the powerful and the privileged in the social divide. We must face squarely the structural injustice and ideological manipulation of culture and religion and of economics and politics to their detriment.

This raises the question of a new egalitarian social order transcending varnaic social order and the casteless society we want to create.

Let us take the case of workers. We treat the workers in the unorganised sector with regard to the violation of their rights as individuals. This is not adequate in a divided society. Take the case of domestic workers or construction workers. We cannot endlessly fight for the rights of individual workers while ignoring them as a class. Workers in a particular sphere like domestic workers have to be seen and organised as a class. There is a struggle among them to get appropriate legislation passed that can be effective in implementation. It means that workers are related to each other in solidarity. Solidarity of unorganised labourers is a must in the struggle for justice and rights in a divided society. It will demand a structural and political approach. There is a need for movement of unorganised workers. We can multiply examples.

I argue for this approach to rights of people in preference to abstract universalist approach to human rights. The latter treats every human person as an equal in a society of unequals. In the concrete, it comes to favour the rights of the powerful to the detriment of those of the powerless. Such an approach ignores the power divide of society and considers the powerless on a par with the powerful. It focuses itself on the civil liberties ignoring the economic and social rights of the marginalised groups and classes.

Justice due to the specifically marginalised groups can be achieved only through liberation from the exploitative system of which they are victims. The view of human rights propagated by privileged classes, their theories fabricated in the academies of great universities in metropolises and in the countries of the First World in total alienation from the history of exploitation of marginalised groups will not be an adequate response to justice and rights of the powerless.

When we stress the historical specificities of marginalisation of different groups for an effective concrete approach to their rights, we need to guard ourselves against communalism and sectarianism in any struggles for rights of people. This caution is in order in our pluralistic situation. Violations of the rights of

7. Cf. *House Workers* published by Domestic Workers' Society, Bombay, 1990

a particular community or of a member of that community is often seen exclusively in terms of sectarian interests. It provokes a defensive reaction on their part to safeguard the rights and interests of their own community or institutions. Such a sectarian approach remains closed to the agenda of human rights that touch all of us as fellow-human beings irrespective of religion, sex, language, caste and culture. That is why the social and secular agenda of human rights should be placed within a non-sectarian, non-communalistic approach of interhuman solidarity for the creation of a democratic, just and humane society for all. It demands that the rights of groups and communities are to be seen from the perspective of the powerless and the marginalised. It alone is humanising, free from sectarianism and communalism. In such an approach, when the rights of Christians or Muslims or Hindus or Sikhs are violated, it is a violation of the human rights of fellow-human belongs. It outrages the humanity as a whole. Our sense of humanity calls us to commit ourselves to the promotion of human rights of all, especially of the powerless. Such a commitment is the anti-dote to all forms of sectarianism and communalism.

B. Victims' perspective

In Third World countries, the perspective of the victims of societal injustice, global and local must become normative in the interpretation and praxis of human rights. Human rights have to be embodied as peoples' rights. In our country, the economic and political rights of the marginalised groups will receive emphasis. This will call for options and priorities among the different rights. It will be a liberational approach aiming at societal transformation. It will question the iniquitous social arrangements and the ideology that supports them. It is an affirmation of relational anthropology that rejects non-relational individual-centred anthropology.

Once we admit the victims' perspective in human rights, we see the need for the interlinking and solidarity of marginalised groups in their common struggles for justice and liberation. Our commitment to the rights of the powerless becomes credible only if it is a preferential commitment to them. It is a commitment to the concrete struggles for justice and rights of the powerless in solidarity.

In a collective societal and liberational approach, the victims are not objects of human right initiatives and projects of those above in society. In this approach the victims themselves become the primary participants in liberational struggles. They become subjects and agents of their own rights and the justice due to them.

If commitment to the liberation of the powerless is to become an operative principle, it will demand structural changes in economic, political and judicial processes in favour of the powerless groups. D. Hollenbach in his book *Claims in Conflict* proposes three strategic moral priorities from the perspective of the poor in a reformulation of human rights in the Catholic tradition: a) "the needs of the poor take priority over the wants of the rich", b) "the freedom of the dominated takes priority over the liberty of the powerful" and c) "the participation of the marginalised groups take priority over the preservation of an order which excludes them"⁸. It is a formulation of human rights from the victims' perspective. The priorities expressed here regard not only individuals but groups and classes. If these priorities are to be normative in human right policies and praxis, it would call for transformation of societal arrangements. Such an approach belongs to liberational process. Class structure of society operating in dominance-dependence relationship has to be faced. Remaining in 'Egypt' we only settle down for individualist redress and reformist approach. In a collective, societal and liberational approach to the rights of people, the evil system of 'Egypt' has to be dismantled.

In Third World Countries and in post-independent, semi-colonial, semi-feudal India trying to modernism itself under the leadership of bourgeois elites drawn from the propertied classes, high castes, big business and industry, human right struggles of workers, dalits, women, tribals and other marginalised groups become liberational struggles. Collective, societal and liberational approach to human rights is our contextual imperative.

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8. David Hollenbach, *Claims in Conflict*, Retrieving and Renewing the Catholic Human Rights Tradition, Woodstock Theological Center, Paulist Press, New York, 1979, p. 204.

Human Rights and the Mandal Movement

Towards a New Direction in Human Rights

The emerging global unity and the consciousness of belonging to one human family are symbolized today by the progressive recognition of human rights. The ideals they represent have found place, in one way or other, in most constitutions of the family of nations and in their legal systems¹. The charter of human rights proclaimed by the United Nations in 1948, however, has its own limitations and conditionings, moulded and shaped as they were in particular historical and cultural contexts². They stand in need of not only being complemented through the contribution of other peoples and cultures, but also being re-thought and re-oriented. This is the message, or rather challenge, that comes to us from the struggles of liberation today, particularly from the grassroots experiences.

The six letter word "Mandal" has become in these days a sign of contradiction. It inspires passionate adherence to the ideals of equality and social justice, just as it evokes fits of anger, fury and frustration³. Mandal commission is not simply a report; it

1 For example, cfr *Constitution of India*, especially book I that deals with fundamental rights and duties.

2 Cfr. Patricia M. Mische, "Regional Human Rights Systems", *Breakthrough* vol. 10, 2-3 (1989) 22-25; cfr also Gopesh Nath Khanna, "Universal Declaration of Human Rights and some recent policy measures in India" *Social Action*, vol. 40 (1990) 23-38

3 Cfr. "Backlash", *Illustrated Weekly of India*, October 7, 1990, pp. 10-19; Prabhu Chawla, "Unleashing New Equations" *India Today*, Sept. 30, 1990, pp. 34 & 35; "A Spreading Stir", *ibid.*, pp. 36-37; "Rumpus on the Campus" *Frontline*, Sept. 1-14, 1990, p. 25; "The Bihar Blast" *ibid.*, pp. 28-30; "Restive in Rajasthan", *ibid.*, pp. 31-32; K. Balagopal, "This Anti-Mandal Mania", *Economic and Political Weekly*, Oct. 6, 1990, pp. 2231-2234; "Cauldron of Caste Tensions" *The Hindu*, Sept. 4, 1990, p. 8.

has given rise to a critical turning point in our history: it has set in motion a liberation movement of great magnitude, recapturing the spirit and force of the struggles of backward classes in various parts of the country during the past many decades and centuries.

This contribution is intended as a reflection on human rights in the context of the Mandal movement. How valid the present framework of human rights, how universal and comprehensive their contents, and why they need to be reconstructed will become evident only when this set of rights is confronted with such socio-political processes as the Mandal movement, and tested on the anvil of struggles.

In the first part of the article, I shall reflect on some of the serious limitations inherent in the human right tradition, and, in the second part, deal with the change of direction the Mandal movement signals. In the third and final part of the article, I intend to show how such a changed perspective on human rights as well as the spirit of Mandal movement are in keeping with the vision and praxis of Jesus.

I

One of the theoretical questions relating to human rights is its universality. This is so because the origin of these rights in their present form lies in the history of the West, its cultural and philosophical tradition⁴. The *Magna Carta* of the thirteenth century (1215), through which the nobility tried to assert for itself certain rights, or rather impose on the King certain duties, marked the earliest stage of the consciousness about human rights. The English Bill of Rights (1689), the American Bill of Rights (1789) and the French Rights of the Citizens (1789) were the results of hard-won battles, albeit by the elites and bourgeoisie against the absolutist trends of the colonialists or monarchs. They represent the immediate forerunners of today's charter of human rights.

4 Cfr. Leonard Swidler, 'Human Rights: A Historical Overview' *Concilium* 1990/2: 12-22; J. Robert Nelson "Human Rights in Creation and Redemption" *Journal of Ecumenical Studies*, vol. 19: 3 (1982) 1-12; John Langan, 'Human Rights in Roman Catholicism' *ibid.* pp. 25-39; Wolfgang Huber, 'Human Rights - A Concept and its History' *Concilium* No. 124 (1979) 1-10; David Hollenbach, *Claims in Conflict. Retrieving and Renewing the Catholic Human Rights Tradition*, Paulist Press, New York 1979.

Despite the proclamation of equality, liberty and fraternity, and the declaration of human rights, ironically, the system of slavery continued and people without property were not entitled to rights. The narrow perspectives in which human rights were conceived and practised got widened under the pressure of socialism and Marxism in the nineteenth century⁵. If the earlier liberal democratic tradition laid stress on civil and political rights, Marxism focused on the socio-economic rights of every human being.

The tradition of human rights has continued to grow to our own day assuming new insights and expanding its application to new areas. An important landmark in this process has been the United Nations' promulgation of the International Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights⁶.

As we can see, the human rights tradition, in its present configuration, has resulted from the historical vicissitudes of the West. Not very different is its philosophical and cultural underpinnings. Though the substance of human rights could be ultimately derived from the Christian tradition, more immediately however, they were thought to spring from reason which the Enlightenment extolled. Within the Western cultural history this meant a departure from the medieval tradition for which God and the king, his representative on earth (divine right of kings), were the guarantors of social order. The king was *fons et origo* of all rights while the people had only duties and responsibilities. They were not entitled to any rights unless they were granted. The Enlightenment tradition not only staunchly advocated the human rights, but considered these to be inalienably inherent in human beings; they are not rights granted by any external agents, and therefore not in need of external legitimization.

5 Cfr. Patricia M. Mische, "Human Rights in the Social Dynamics of an Emerging Global Community", *Breakthrough*, vol. 10, 2-3 (1990) 10-12.

6 Cfr. V. R. Krishna Iyer, *Human Rights and Inhuman Wrongs*, B. R. Publishing Corporation, Delhi 1990, pp. 7ff; cfr. also Peter Meyer, "How the International Bill of Rights was Born", *Breakthrough*, vol. 10, 2-3 (1989) 16 & 17. Committee of International Covenant on Civil and Political Rights established in 1977; Committee on International Covenant on Economic, Social and Cultural Rights was established in 1985.

7 Cfr. Paul Sieghart, "Christianity and Human Rights" *The Month*, vol. 22 (1989) 46-53.

Against this Western background, it is legitimate to ask whether human rights could be considered universal. For, most peoples and nations, especially in the Third World, do not share this Western history, culture and philosophy which constitute the matrix for the emergence of human right tradition. Even more, the experiences and struggles in the Third World challenge any claim of universality on the part of the Western human right tradition. Their cultures and religions have their own distinct world-views and presuppositions, and consequently different approaches and mechanisms to promote and safeguard the human. Their perceptions of what is *human* and what is *rational* are quite different⁸. How proper is it then to impose a particular human right tradition, as it is done today, on the rest of the world without taking into account the obvious reality of pluralism? Such an imposition is facilitated by a certain homogenization in the political governance, economic arrangement and technological system all of which stem from the West.

Given this situation, for true universality and pluralism in the field of human rights, it is being suggested, for example by Panikkar, that each people should find in their culture homeomorphic or functional equivalents to human rights⁹. This would simultaneously call for pluralism also in the mode of governance, economy, technology etc.

To my mind the crucial problem today with human rights is not its *universality*. By proposing solutions for making human rights truly pluralistic and universal, our conceptions would have changed and we will have the satisfaction of having reached a pluriform theoretical construct, but the *human wrongs* will continue unabated inflicting deep wounds. The most blatant universality seems to be the universality of *suffering* and barbarous *violations* of human dignity. The discourse on human rights

8 For example for the Chinese world, cfr. Michael C. Masson, "Human Rights in the Chinese Tradition. A Case Study" *FABC Papers*, No. 57f, pp. 10-23; cfr specially the Confucian view of Liang Shuming (1893 -) and Tang Junyi (1909-1978). "Like Lian Shuming, Tang emphasized that the notion of human rights appeared in the West as a reaction against the culture of medieval Christendom. It was a reaction, and it was onesided, overstressing individual conscience, scientific reason, laws of nature" *ibid.* p. 18.

9 Raimundo Panikkar, "Is the Notion of Human rights a Western Concept? A Hind/Jain/Buddhist Reflection", *Breakthrough*, vol. 10, 2-3 (1989) 30-34.

today should *shift from universality to other vital areas* which the contemporary experiences all over the world, particularly in India and South Asia, force upon us for our reflection and praxis.

One such vital issue is *ethnicity* and the progressive awareness of collective identities – religious, regional, linguistic etc. The critique then, is not so much that the human rights in their conception and philosophy are not universal or comprehensive, for its failure to take into account other cultural worlds, patterns of thought, but that they are, in their present form, inadequate to respond to the contemporary Third World experiences – experiences in which not simply theoretical conceptions but social and political forces are in complex interaction. This is not a motive to abandon the language of human rights, which has become in a way part of the common consciousness of humanity. Rather, we are challenged to re-cast them from out of new historical experiences and socio-political struggles. In fact, in spite of the fact that the universal declaration of human rights includes in its purview certain socio-political rights as can be seen in its articles 22 & 23, the overall orientation of human rights has remained that of protecting the freedoms of the *individual*. The influence of the liberal democratic tradition with its restricted vision of freedom and peaceful model of society has been dominant. The traditional approach to human rights, therefore, does not lend itself to what has become today a very poignant question – the rights of the oppressed groups and collectivities often in conflict with the power of oppressive states and other dominant groups.

In the formulation of universal declaration of human rights, there seems to have been even a considered exclusion of such collective rights on the supposition that in the course of time ethnicity and collective identities would get dissolved and integrated in the general framework of rights based on the individual¹⁰. But, then, experience demonstrates ever more clearly that the realization of effective justice hinges upon the vindication of collective rights. Promotion of human dignity and rights in the context of ethnicity and communalism, in the context of an unequal and stratified society like the one in our country, calls for a thorough re-thinking

10 Cfr. Howard Berman, "Are Human Rights Universal?", *Interculture* vol. 17, 1-2 (1984) 53-60

of the theory of human rights in terms of collective identities and particularly in terms of the disprivileged groups as are the backward castes. The challenge is to re-conceive and re-formulate human rights in such a way that the element of social change and transformation be ingrained in them so that they can become effective instruments in recovering the lost rights of the hitherto faceless peoples, classes, castes etc.

We are led to such a re-orientation also in view of the fact that the enunciation of various rights are poorly inter-connected with the result that in case of *conflicts* between two or more human rights, no solution could be arrived at, since all of them are human rights. In other words, there seems to be no indication concerning priority among the constellation of rights. Lack of determination of priority on the basis of certain basic principles and criteria exposes human rights to be exploited and manipulated by those who wield power, to preserve the status quo by invoking certain human rights, while perpetrating gross violation of other human rights. Hence it becomes very important that there be a clear thrust in the understanding, formulation and practice of human rights; that there be a *core*, around which the human rights can be organized and prioritized.

The message that comes to us from the Mandal movement is that human rights cannot be formulated *neutrally*. Nor does a simple theoretical recognition that human rights must be cross-culturally approached, bring any solution to the vexing problems. Effective justice is possible only when the instruments of justice like the human rights are conceived and practised with a clear thrust and *option in favour of the disprivileged* in our societies. This is a principle that does not admit pluralism.

Given the historically conditioned origin and development of the human rights theory, and the use to which it is put, there is an understandable preoccupation that it could be a hindrance to the project of liberation. But I think one cannot and should not set in opposition human rights and liberation, as Aloysius Pieris seems to do¹¹.

11 Aloysius Pieris, "Human Rights Language and Liberation Theology", in Marc H. Ellis and Otto Maduro (eds), *The Future of Liberation Theology*. Essays in Honour of Gustavo Gutierrez, Orbis, Maryknoll, NY 1989, pp.299-310

The fact of their historically conditioned origin does not disqualify human rights as an ally in the struggles for liberation, specially when these rights continue to acquire new dimensions and orientations in dialogue with new experiences and situations. The fact that human rights could be manipulated also does not warrant that we undermine their value and place. In fact, even the language of liberation is today being coopted in favour of the status quo. Further, innumerable grassroots experiences, as the one in this issue of *Jeevadhara* by Neetilal, shows how powerful a weapon human rights could be in the hands of those committed to social transformation and justice to the downtrodden. In the struggles for justice in contexts charged with communalism and inter-religious conflicts, human rights prove to be the only point of reference¹². The question, therefore, is not that of choosing between the language of liberation and the language of human rights. The crux of the question is to mould the human rights through the option for the oppressed so that it can support the cause of liberation.

II

In the light of the above considerations, we can now reflect on the Mandal movement as a concrete locus for the reshaping of human rights.

The Mandal Commission Report and the decision to implement some of its recommendations have to be placed in the larger context of the political process at work in the country. The nation-wide upsurge and mobilization of the backward castes which the Mandal report represents, can be characterized as a movement from the periphery towards the centre. The claim for reservations in government jobs is but a fraction, albeit significant, of this process¹³. It is something different from the kind of sectoral approach from the centre towards the periphery by which certain

12 In this context, it is enough to remind ourselves of the struggles the human right movements waged against the oppressions of the state on the poor during the Indian Emergency bringing to public knowledge the oppressions of the state. Cfr. Smitu Kothari "The Human Rights Movement in India: A Critical Overview", *Social Action*, vol. 40(1990)1-15; cfr also V.R. Krishna Iyer, *Human Rights and Inhuman Wrongs*, op. cit. pp. 62ff.

13 Cfr. Rajni Kothari, "Essence of Mandal Report", *Mainstream*, Oct. 6, 1990, pp. 6-8 & 10

socio-economic measures are taken to meet the needs of the backward classes.

The movement of the backward classes is characterized for its spirit of human rights. This movement which had its beginning in the early decades of this century in Tamilnadu was a movement for self-respect, for the dignity and rights of the socially and economically marginal groups. The movement, initiated by E. V. Ramasamy (popularly known as *Periyar* – the great man) was, in fact, called "Self-Respect Movement"¹⁴. We cannot forget here the contributions of Jayaprakash Narayan, inspirer of Peoples Union of Civil Liberties and Democratic Rights (PUCLDR), particularly in the context of the Emergency in India. His movement committed to human rights was directed to the goal of liberation or, as he called, Total Revolution¹⁵.

The Mandal movement which nourished itself from these sources, represents, then, not an attempt to gain privileges but to regain the lost human dignity and rights of the backward castes with consequences in all realms of life, most important of which is effective participation in power, particularly in the bureaucratic system. In the strongly stratified society of India the rights were dependent on one's position in the caste hierarchy.

"For Englishmen, the law, if it is to be universal, impersonal and impartial, ought to be blind, an idea graphically illustrated by the representation of justice as a classically clad, blindfolded woman holding balanced scales. For Hindu law, the reverse was true: the differences among men in society were central to their legal identity, rights and obligations."¹⁶

In effect, the upper castes had all the rights and the lower castes only duties. The greatest significance of the upsurge of the

14 Cfr. Sebastia L. Raj, "Human Rights Movements within Hinduism. The Contributions of the Dravidian Movements" *Studia Missionalia*, vol. 39 (1990) 321–339; cfr also M. Amaladoss, "Periyar and Liberation in Tamilnadu", in Paul Puthanangady (ed), *Towards an Indian Theology of Liberation*, ITA, Bangalore, 1986, pp. 184–198

15 Cfr. Sebastia L. Raj, *Total Revolution. The Final Phase of Jayaprakash Narayan's Political Philosophy*, Satya Nilayam Publications, Madras 1986

16 Lloyd I. Rudolph and Susane Hoeber Rudolph, *The Modernity of Tradition*, Orient Longmans Ltd., New Delhi, 1967, quoted in *Reservations for Backward Classes. Mandal Commission Report of the Backward Classes Commission, 1980*, Akalank Publications, Delhi 1991, p. 22

backward castes is in that it challenged the traditional basis of law which was *inequality*, and replaced it with *equality* of all human beings. What remained in the Constitution as a principle on paper, is being translated into deeds by the movement of the backward castes¹⁷.

Human right ideals have made considerable contribution to the struggle of the backward castes; the Mandal movement and its dynamics, on the other hand, reveal the need to reconceptualize and reformulate human rights, by removing ambiguities, and bending them to effectively contribute to justice in the context of conflicts and historically inherited social disabilities. In fact in the vicissitudes and controversies surrounding the Mandal Commission report, *merit* was the argument most loudly heard from the anti-reservationists and their intellectual supporters¹⁸. Going against merit was, in their view, violation of a basic right of the individual. But then we must immediately add that, though one invokes human rights, equality, justice in favour of merit, nevertheless, there lurks a narrow conception of all these, not to speak of the conversion of merit into an ideology to maintain the present power-position of the upper castes.

The conception of rights underlying the claims of the upper castes, interestingly, is nothing but the reflection of the liberal and *individualist* tradition. Accordingly, the individual qua individual is the bearer of rights, and when an individual has merit nothing should stand in the way of his or her legitimate right to obtain a position, admission etc. This conception of rights fits in with the dominant model

17 That reservation to backward classes is in keeping with the Constitution is convincingly argued by D. L. Sheth, "OBC Reservations: A Constitutional Right", *Illustrated Weekly of India*, Oct. 21, 1990, pp. 32-35; cfr. also Sachchidananda, "Welcome Policy", *Seminar* No. 375 (November '90) 18-21.

18 Cfr. Minoo Masani, "Abolish Reservations, Promote Meritocracy", *Mainstream*, Jan. 6, 1990, pp. 4 & 35; Bikram N. Nanda and Mohammad Tamb, "Merit: Reflections on a Rhetoric", *ibid.*, Sept. 29, 1990, pp. 15, 16 & 22; Kancha Illaiah, "Reservations: Experience as Framework of Debate", *Economic and Political Weekly*, Oct. 13, 1990, pp. 2307 - 2310; H. K. Paranjpe, "Implementing Mandal Report: A Disastrous Step" *Mainstream*, Sept. 15, '90, pp. 6-10 & 32-35; Ashok Guha, "The Mandal Mythology", *Seminar*, no. 375 (Nov. 1990) 51-53. Cfr. also Andre Beteille, "Lessons of South Indian Experience. Caste and Reservations", *The Hindu*, Oct. 20, 1990, p. 8. The position of Beteille has been refuted by a group of scholars of the Madras Institute of Development Studies: "South India and Reservations. A Reply to Andre Beteille", *ibid.*, Oct. 27, 1990, p. 8.

of development governed by the spirit of competition. The context of human rights is that of a race, and he who has merit and who can compete wins. This obviously is a very simplistic frame of reference for the praxis of human rights. The empirical reality is much more complex and multi-faceted.

That brings me to the whole issue of applying economic or social criteria for reservation. For the elites opposed to reservation to backward castes, the criterion to be applied is *economic*¹⁹. That is supposed to be right, just and fair. Here the upper caste anti-reservationists seem to transport themselves conveniently to another world and forget the reality of our Bharat where the millennial history of caste discrimination on the part of the *dwija* (twice-born or higher castes) has consigned the overwhelming majority of our countrymen and women to ignominious marginal existence with no power or rights of their own. It is not a race of equals but of unequals. The socially and educationally crippled since generations are in the same race with the privileged upper castes²⁰.

Human rights and justice to the backward castes and classes mean in this context, priority to them on the basis of the criterion of social and educational backwardness, and not on the basis of some abstractly defined rights of individuals as individuals. Such a liberal conception and practice of human rights means in the concrete context additional injustice to the already socially maimed backward castes.

Reservation, then, is not something out of the way. It is not a concession or extension of privileges but the concrete way by which justice is exercised. Reservation is not simply a claim for affirmative action in favour of the weak, but affirmation of a fundamental *right* of the socially and educationally disabled. From this perspective, to be instrument of justice, the traditional human

19 Dr. A. Ramiah, 'Mandal Commission's Recommendation: A Critical View', *Mainstream*, Aug. '88, 1920 pp. 19-20 & 35; C. H. Hanumantha Rao, 'Job Reservations for Backward Classes', *id.*, Sept. '88, pp. 6 & 9; Randhir Singh, 'Reservations: A Different View', *id.*, Oct. 20, 1990, pp. 23-27; Kameshwar Choudhary, 'Reservations for OBCs: Hardly an Abrupt Decision', *Economic and Political Weekly*, Sept. 1-8, 1990, pp. 1929-1935.

20 Cf. *Reservation for Backward Classes, Mandal Commission Report*, op. cit. p. 22.

rights theory needs to undergo a re-orientation. It must become an instrument for the reversal of the existing social order.

A legitimate question can be raised here about the *secular* character of this kind of approach. Is not a re-interpretation of human rights from the perspective of the socially backward castes, even though favouring *backward* castes, nevertheless in support of *castes*, which means going against secularity. It is undeniable that historically the human right tradition had intimate connection with secularity. In the West the emergence of human rights was also a movement away from the traditional hold of religion which appeared at that time to smother the legitimate autonomy and freedom of the human.

In India, several struggles and movements of liberation tried to dissociate themselves from religion because it was precisely the religious legitimization given to the unequal social order of caste that strengthened and perpetuated the clutches of injustice and inhumanity. Would not then, also in the matter of reservation, an approach based on class rather than caste be in keeping with the secular character of human right tradition?

Here we step into an important aspect of the present-day developments in our Indian society. One basic point we have to keep in mind is that the formation or configuration of class in India today follows its own specific dynamism. We cannot simply transport western or other models of class formation lock, stock and barrel into India. The classes in India are formed out of the caste-matrix, and this is something quite specific to India. As a result, there is a practical overlapping of caste and class in such a way that the theoretical contrasting of one with the other would not correspond to the empirical situation. What is today known by the general appellation 'backward castes' is, in fact, a consolidation of many traditional castes, and this consolidation cuts across regional, linguistic, religious and other barriers. This process of transition from closed caste-identity towards the process of larger class-formation through the welding together of many backward castes into one entity is, in fact, a *secular process*²¹. *It is not casteism*. One of the best illustration of this process is the forging of a common class identity of the various backward castes to counter the Brahminic hegemony in Tamilnadu which led to the formation

21 Cfr. Rajni Kothari, "Essence of Mandal Report", *art. cit.*

of Justice party in 1916. It was not a casteist or communal movement, but a movement of secular inspiration, to demand participation in power by those who had been traditionally disprivileged in the Indian society.

In short, the Mandal movement with its assertion of the right of reservation for the backward castes not only reveals the complexities of the inter-linkage between human rights and the struggles for liberation by the socially marginalised, but also points to the necessity of moulding human right ideals through such specific experiences. In other words, Mandal movement shows that human rights have to be reformulated through option for the poor and marginalized. That leads us to our next consideration.

III

Preferential option for the poor is the vision underlying the Mandal movement. In this respect, it is very close to the spirit of the Biblical message concerning the poor and its vigorous defence of their dignity, selfhood, respect and rights²². It is through the poor and the concern and care for them that the Bible approaches the question of human dignity. This is most evident in Jesus' words and deeds.

The language of Jesus is a *language of reservation*. "Blessed are you poor, for yours is the kingdom of God" (Lk 6: 20). This is not a language of exclusion, but of positive affirmation. The Kingdom of God is reserved to the poor. The arrival of the Kingdom means that the rich, the powerful, the upper castes and classes have to loose their privileges, the unchallenged enjoyment of which was the source for the deprivations of the poor, their humiliations. The privileges of the poor are not closed; they are open to anyone who accepts the rule of God and its radical consequences. It is the exclusiveness of the privileges enjoyed on the strength of money, or of high birth or caste or social position that marginalises a lot of people in the society, and therefore Jesus subjects them to question. It is by defending the poor and the lowly that the universality of human dignity and rights is established effectively.

22 Cfr. Jorge Pixley and Clodovis Boff, *The Bible, The Church and the Poor*, Burns & Oates, Kent 1989; cfr also Eugene B. Borowitz, "The Torah, Written and Oral, and Human Rights: Foundations and Deficiencies", *Concilium* (1990/2) 25-33.

In the controversy Jesus had with the Jews, we can note the *conflict of two languages*. If the language of Jesus is the language of reservation, the language of the Jews is the language of merit, of high birth. "We are the descendants of Abraham, and have never been in bondage to anyone." (Jn 8:33)

The poor with whom Jesus moves about and whom he declares as the beneficiaries of the Kingdom already breaking into the world, are first and foremost those who are socially marginalised, without power, influence, honour etc. They are the rabble, unlettered in the law (cfr Jn 7:49). Their social marginalisation inevitably coincides with their economic poverty and destitution²³. This is an important point to note. In the modern society, richness and poverty are measured in terms of what one possesses and what one does not possess. *Money* is the criterion with reference to which one is poor or rich. But in the Palestinian society of Jesus' time – as also in many societies today with face to face relationships – the primary point of reference was not money but *honour and dignity* in society, in opposition to *shame and humiliation*²⁴.

The poor were those who did not count in the society; they were the ones to whom dignity was denied; they were the humiliated like the Samaritans on account of low birth, despised like the tax-collectors on account of their profession of going from house to house to collect taxes at the behest of the higher-ups. To the category of the poor belonged the widow, orphan and stranger who did not have anyone to speak for them, to defend their dignity and cause. Jesus takes up the cause of these socially backward classes who are also economically poor in the society. By recognizing and proclaiming the dignity and honour of the hitherto disprivileged, conditions are created for removing their economic penury.

This is so very crucial in the context of the discussion concerning the economic criteria or social and educational criteria for reservation in our society today. Unless we strike at the root, at the social stigma and backwardness, and restore honour to the

23 Cfr. George M. Soares-Prabhu, "Class in the Bible: The Biblical Poor a Social Class?", *Vidyajyoti*, vol. 39 (1985) 322–346

24 Cfr. Anthony J. Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society*, Michael Glazier, Delaware 1988

marginalized, all effort to improve the economic lot of the backward castes is of no avail. Reservation is not first and foremost meant as an economic measure – in which case what is envisaged by the measures of Mandal commission would be too little and insignificant – but as a *social measure with economic consequences*. Was it not this the approach Jesus followed?

The importance of reservation to safeguard the dignity and *rights of the poor* becomes particularly clear in the *parables of reversal*²⁵ like the Good Samaritan (Lk 10:29-37), Labourers in the Vineyard (Mt 20:1-16), the Rich Man and Lazarus (Lk 16:19-31), first and last place at the banquet (Lk 14:7-14) etc. The message of the Kingdom and Jesus' own actions embody a radical change of conventional order of things.

In the parable of the labourers hired for work in the vineyard, for example, the last come are paid the same wages as the first. This leads to grumbling and protest on the part of those who think in terms of *merit*. Their expectation is that the wages should correspond to merit, and, therefore, their being equated with those who came at the eleventh hour is considered an offence against the sacrosanct doctrine of merit. Their understanding of justice and their expectations are reversed in that those who were hired at the eleventh hour are treated *equally*.

A detail which may easily escape our attention but is nevertheless important for gaining a deeper insight into the message is the command of the master to distribute the wages not starting from the first, but *starting from the last* (Mt 20:8). Even here there is a reversal. The fact that a labourer came at the eleventh hour – and therefore deserving less merit – is not that important as the *human situation* of a family which probably depends on his day's earning for its survival. This man has the basic human right to the necessary means for livelihood. This becomes clear all the more if we observe another particular. That they came at the eleventh hour is not because they were lazy and did not want to work. Quite the contrary. They have been looking for employment but *nobody has hired us* (Mt 20:7).

In the Gospels we are struck by the consistent pattern of Jesus favouring the socially backward, and bringing to limelight those who are at the periphery of the society. The rich put in money in the temple treasury. But Jesus was not impressed by that. Instead the poor widow is brought to the attention of the disciples (Lk 21:1-4). It is Jesus' way of restoring to the socially insignificant their dignity.

In highlighting the Samaritan's work, for example, the point Jesus wants to make is not simply the good work done to save

25 Cfr. John Dominic Crossan, *In Parables. The Challenges of the Historical Jesus*, Harper & Row, New York 1985, pp. 53ff.

the man who fell among the robbers. In this case, the Priest or the Levite could have been the benevolent main actor. But the point is that it is a *Samaritan*, not the Levite or the Priest, who does it. Someone belonging to the group of Samaritans considered as socially low and impure is brought to the central stage. Jesus could have mentioned simply any two people who did not help the wounded man. By the fact that Jesus names them as a *Priest* and a *Levite* belonging to those who claim purity of race and enjoying respect in society, Jesus wants to show the reversal of the social order by which those despised and without dignity will be the first²⁶. "But many that are first will be last, and the last first." (Mt 19:30; Mk 10:31; Lk 13:30) Jesus goes even further. The last and the least are his own, I. "As you did it to one of the least of these my brethren, you did it to me." (Mt 25:40)

In the light of Jesus' preferential option for and solidarity with the humble and lowly, human dignity and rights assume a different perspective. What is central is not a general assertion of abstract rights common to all, but the rights of the poor, their, dignity as human beings. This is also what underlies the Mandal movement. We are led therefore through the experience of the Mandal movement and the spirit of Jesus, to reconsider the *foundations of human rights*.

In its early stage of formulation human rights were meant as a kind of check on any claim of absolute *sovereignty* on the part of rulers. In the late medieval period of the West, the basis for such rights was found in the natural law tradition influenced by the stoic philosophy and the Roman legal system which had absorbed it²⁷. It was, at that time, quite a revolutionary foundation inasmuch as it projected a social order on the basis of equality deriving from a common nature of all human beings, thereby challenging the hierarchical order of society inspired by neo-platonic philosophy. In this later order of things, the society is maintained in order if each one fulfils the injunctions and commands deriving from the authority of the emperor, king or, in a theocratic society, from God. In passing we could mention here that one of the reasons for the virulent opposition on the part of the Church to human rights up until the end of the nineteenth century was due to the dominance in its life of the neo-platonic model of society in which there could be only duties imposed by the authority the fulfilment of which guarantees right order; there cannot be any claim of rights on the part of the subjects.

From the natural law there took place a shift to *reason* as the foundation of human rights at the time of the Enlightenment.

26 Ibid.

27 Cfr. Wolfgang Huber, "Human Rights – A Concept and its History", *art. cit.*; cfr also Paul Sieghart, "Christianity and Human Rights", *art. cit.*; David Holleb, *Claims in Conflict*, *op. cit.*

It is this foundation that one has tried to universalize. But today the heritage of the Enlightenment – the modern liberal democratic model of governance, economic system based on competition, high technology etc. – is in crisis; along with it also the foundation of human rights. This basis is too weak to sustain the new experiences. They break its framework.

In the light of what we have reflected above, it should be clear how we cannot found human rights on a 'common ground', unaffected by the concrete processes and struggles of life. Rather, each people has to find its own motives for the praxis of the ideals of human rights on the basis of its history, culture and religion. This is no isolationism. On the contrary this is an invitation for permanent dialogue and exchange of experiences among various peoples. If we can speak of anything common, it is the universal and imperative necessity of practising and reformulating human rights through option for the poor and solidarity with them. It could be seen as the directive principle for any serious talk about human rights in our world today.

Conclusion

Approaching the ideals and standards of human rights through option for the poor is a great challenge before us. We see this challenge concretely in the Mandal movement which bears in itself the influence of human right ideals and activism, and at the same time is an invitation to remould, reconceptualize and re-found these standards and ideals. The challenge has to be met on the basis of our experiences of struggles for humanity, and in keeping with our cultural heritage and religious traditions.

Human rights or liberation is a *false alternative*. What we require is to re-interpret the human rights through option for the poor. In this process peoples' movements will play a very crucial role. For they help to rediscover the *humanum* in context, and help us with insights to uphold and defend the human as it is humiliated and mortified among the socially backward castes, classes and groups. Juridical activism is also very important inasmuch as it can bend the laws to bring justice to the least²⁸.

Such an approach to human rights would call for liberating alternatives to the present pattern of governance, to the system of economy, to the general culture, to mega-science and high technology. The discourse about human rights and the practice of them cannot be separated from these. It is a package. And that makes our task very challenging.

Tiruchirapalli

Felix Wilfred

28 Cfr. The excellent collection of contributions on this question by K. L. Bhatia (ed.), *Judicial Activism and Social Change*, Deep & Deep Publications, New Delhi 1990.

Towards an Indian Christian Spirituality in a Pluralistic Context

**Statement of the Indian Theological Association
Fourteenth Annual Meeting, December 28-31, 1990**

(Ishvani Kendra, Pune)

Introduction

1. The Indian Theological Association, after many years of reflection on the theological problems of the Christian community, was gradually led by the very dynamism of theological activity to concentrate more and more on the burning socio-economic, cultural and political issues that the nation faces. We also realized that in India, religions do play a major role in the affairs of the country. Therefore in the last couple of years we focussed our attention on the theology of religious pluralism. This year we have gone one step further in investigating the nature of spirituality which is the core as well as the meeting point of all religions. Though religion and spirituality are related, they should not be confused; further the very context of the current situation in India calls for their distinction.

As we look at India

2. To a concerned participant in our country's journey towards its "tryst with destiny", puzzle and dismay, even horror and despondency, seem to be the dominant experiences today. Some distinctive features of the present-day scenario of our country may be singled out:

1) In an unprecedented way the silent and repressed groups which constitute the vast majority of our country have been awakened and have begun to organize themselves, to speak out and demand their constitutional rights, e.g. the various movements among the scheduled castes and backward classes. In many cases this process is marked by tension, resistance and violence. The demands and reactions of these groups are often countered with manipulation, fraud, violence and related crimes unleashed on them by the privileged social groups and neo-colonialist forces. Many parts of the country experience these tremors day after day.

2) Many ethnic groups that enjoyed for ages prior to Independence, a sheltered existence and a high degree of autonomy

and security, have started to resist with increasing violence the new situations in which they find themselves since Independence. They feel that their freedom and autonomy have been considerably curtailed and undue demands are made on them to share their natural resources. In their reckless attempt to grab their resources, the intruding groups have not only come to exploit them in various ways but also are threatening their traditional identity, fabric of their social structure, way of life and values, even to depriving them of some of their fundamental rights. Sometimes they have been denied their rightful say and place in the political process. Their resultant discontent accumulates and often erupts violently as is seen in Assam, North-East India and in many tribal areas.

3) This greedy scramble for the common limited resources by some groups has resulted in a massive erosion of values which are constitutive of our culture and nation. The callous killing of people in ever-increasing numbers has been freezing our sensitivity, undermining our precious cultural values of *ahimsa* and *karuna*. Manipulative strategies of power-groups, with the support of arms, has struck at the very source of *maitri* - the noble human feeling towards others as fellow-humans.

4) Women in our country, particularly poor women, are subject to discrimination as well as oppressive situations of poverty and exploitation. The indiscriminate introduction of technology has alienated women from their affinity to nature. New forms of development have often brought with them novel and more subtle forms of discrimination and exploitation of women. Not only do traditional forms of oppression such as female infanticide, denial of education to women, continue unabated and dowry-deaths increase, but also new barbarities such as the abortion of female foetuses, exploitation of women by the commercial mass-media, have become common.

5) The "Growth-Model Development" pursued in our country since Independence, has also involved the use of high and dangerous technology, mega-projects which benefit an elite and destroy the lives of vast numbers of people. This development-model with its ally, consumerism, is seen by the sensitive as a subtle destructive force striking at the root of ecological balance and adversely affecting the survival of many people and the quality of our culture.

6) Well-founded fears and even regrets are expressed that the very matrix of human values, religion, is itself invaded by these very forces. Today even our very national integrity is being imperilled by conflicts among religions. Communalism based on fundamentalism and their ghastly irruptions have been smearing with blood the exalted face of religion.

3. On the other hand, bold and fresh initiatives have been forthcoming to heal and forgive, to fight and struggle, to restore and rebuild. These can be considered the crystallization of the vital, creative, human, spiritual force generated by the selfless and heroic struggles of those who offer resistance to the forces of decline and disintegration. Worthy of special mention in this regard are the different social movements and struggles in the country that aim at liberation and the energy and dynamism that sustains them. This vital force released by the human spirit, under the impulse of the Divine Spirit, may be justly given the nomenclature spirituality, with specific features that are Indian.

Clarifying terms

4. By *religion* we understand a set of symbols, rituals and doctrines emerging from a common *mythos*, which are generally crystallized in institutions attempting to lead their members to fullness of life, often called salvation. Religions therefore have also a historical dimension.

5. *Spirituality* is the inner dynamism of the Spirit or the *shakti*, that energises men and women to develop their ability for depth-awareness of reality, which is liberating, transforming, integrating and humanizing. It supposes a vision and constantly reviews and renews that vision. In order to be relevant in our religiously pluralistic country, every authentic spirituality must be contextual, liberative, inter-religious and holistic, that is, not constrained by the boundaries of major or minor living traditions and ultimately focussed on the secular and the human.

6. Spirituality also proposes a set of practices (*sadhana*) coming from an underlying theory – adopted more or less spontaneously by some people which lead them to their perfection. In this process, spiritualities cross the boundaries of religious allegiances, although they generally flourish especially in the climate of one or more religions.

7. The discernment of spirits is a fundamental task for any spirituality. The human spirit is divided already in us. The resulting conflict of ideals, clashes of interests, struggles and even violence cause deep wounds in human society. This lethal tension is to be converted into creative polarities as much as possible.

Indian Spiritualities

8. We feel that the multi-millennial history of the subcontinent allows us to speak of Indian spiritualities which permeate the religions of India. We are aware that we cannot reduce the Indian soul to one single archetype, nor the riches of the spiritualities of India to one single type. Yet we discover an underlying unity difficult to describe except in contrast to other forms of spirituality coming from other cultural and religious backgrounds. The Muslims

or Christians of India, for example, have an *Indianness* which make them different from Arab Muslims and European Christians without their being in any way less Muslim or Christian.

9. Approaching Jesus from our Indian context, we meet him as the spiritual teacher who awakened his disciples to the presence in depth of their own being of the Mystery by which he himself lived and in the awareness of which he taught them to call God 'Our Father'. The specificity of Christian spirituality is its rootedness in the mystery of Jesus the Saviour, who, sharing our own human existence and led by the Spirit, became aware of the Father's presence in himself. His suffering and death manifested his full solidarity with all men and women who struggle for a new humanity. As Risen Lord he transcends the limitations of culture and history and awakens us to the divine presence in us and in all our sisters and brothers, by sharing his Spirit with us. His resurrection is the pledge, guarantee and hope that light will prevail over darkness, solidarity over domination, justice over exploitation, sharing over possessiveness, love over selfishness. His Spirit challenges us to join him in working for a new world-order of fellowship and peace, liberating us from all that dehumanizes and blocks the full realization of our being. Jesus ultimately practised a spirituality by which he identified himself with the least of his brothers and sisters. Thus he gives us a new understanding of God and society.

10. We feel that our search for such a spirituality, authentically Indian and truly Christian, could give a new dynamism to the Christian community, and help to build bridges of understanding and co-operation among the different religious communities of our country. We are convinced that Christians have to foster more and more those forms of spirituality which are connatural to the culture of the land. This will in no way dilute the Christian commitment. On the contrary it could make it deeper and more alive, and, at the same time, help Christians to overcome many obstacles in their interaction with people of other religions.

11. By concentrating on the issue of spirituality, we are able to address ourselves to the spiritual roots of many of the problems of contemporary India. We feel a responsibility to contribute towards the solution of the burning issues of the country precisely as spiritual people who discover in our Christian vocation itself a call to transcend our own religious frontiers.

Historical perspectives

12. A relentless search for the Absolute, a passionate quest for the ultimate Mystery, an experience of being grasped by the divine Spirit has been the spiritual dynamics of India's culture. The consequent spiritual vision of reality found expression in a variety of religions. From ancient times, from the *adivasi* religions to the *bhakti* movements, there have been particular traditions of spirituality that were sustained and nourished in India. And ecological,

geographical, social and ethnic factors have contributed to their growth. Along with these, was the experience of the Vedic rishis, who referred all things, including human life to *rta*, the spontaneous flow from primeval energy, and saw it as the movement of the Spirit expressed in human life as faith, truth and righteousness. All these constituted the basis of a spirituality of action that aimed at leading man to self-realization which they found related to the Transcendent *Brahman*, the Immanent *Atman* and the Personal *Purusha*. This land has also given birth to other great spiritual traditions such as Buddhism and Jainism, thus manifesting the variety and vitality of its religious ethos.

13. When Christianity came to India it fell into the socio-cultural patterns of Indian society, contributing to the mosaic of Indian spiritualities. Due to foreign influence, this Christianity was not able to evolve adequate indigenous forms, though it remained an integral part of the Indian spiritual landscape. On the popular level, however, it was integrated to a considerable extent to the local culture. But this remained very much on the level of the devotional and ritualistic spirituality of medieval times. A sense of superiority which made it impervious to many efforts at renewal and openness to the total spiritual and religious wealth of India was aggravated by the missionary policies of colonial times, which included deliberate efforts to separate new Christians from their cultural roots.

14. The arrival of Islam in India too should be seen as a great blessing which contributed immensely to the cultural and spiritual growth of our nation helping to bring about a beautiful and vivid mosaic of the major world religions each with its own uniqueness, while challenging others to enter into creative dialogue. The Sufi mysticism is a conspicuous example of a spiritual encounter of Islam and Indian culture. The emergence of Sikhism may be said to be another instance of a creative encounter between the two great spiritual traditions of our country - Hinduism and Islam. In the contemporary scene we notice the stirrings of the Spirit within the dalit and tribal communities, as well as in many action-groups as they struggle to discover their identity and reshape a common ideology. The emergence of a liberative spirituality is clearly discernible in many of these movements and struggles. Today we live in a new epoch of the spiritual evolution of our country; we are called upon to promote a creative inter-religious dialogue with a view to developing an integrated spirituality with the human concern at its core.

Spirituality as an Inter-religious pursuit

15. Spirituality as a response of man to the Spirit is a contemplative awareness of the transforming presence of the Spirit; it is also an active participation in the struggles of the Spirit towards a new creation. The horizons of the creative work of the Spirit are far beyond all our religions, however sacred and unique a religion

may be to us. No religion, in so far as it is culturally shaped and historically conditioned, can claim to express fully the creative dynamics of the Spirit in the world. However, every religion describes in a unique way how the Divine enters the human and transforms it. Hence the pursuit of an integral spirituality has to evolve through a creative inter-religious dialogue.

16. Today, especially in a country like India, spiritual seekers are called upon to enter into a common pilgrimage with believers of other religions in pursuit of the ever-widening horizons of the work of the Spirit in the world. In dialogue with the other, one grasps the deeper dimensions of the specific spiritual experience of one's own religion, and, at the same time, is made aware of the limitations of one's religious traditions and liberated from the ambiguities of religious praxis. In this process of being mutually challenged and complemented, enriched and transformed, each one grows to a fuller awareness of the Divine in the human reality. The Christian experience of the transforming presence of the Spirit in and through Jesus Christ is an invitation to enter into a common spiritual pilgrimage with the believers of other religions in quest of the 'height and depth and length and breadth' of the power and presence of the Divine Spirit in the evolution of history. Ultimately spirituality is the radical openness of man to the God beyond God.

17. In this inter-religious pursuit of spirituality, however, the main concern should be the integral liberation of human persons and communities. There is in every human person an innate craving for freedom and creativity, a quest for truth and beauty, a passion for justice and fellowship. Authentic spirituality that evolves through inter-religious dialogue would be the realization of these values under the impulse of the Divine that is operative in them. Spirituality would also involve an effective resistance to all the dehumanizing forces in history that block this process. Spirituality binds people of various religions together in the common task of building up a more just and humane society.

18. A spiritual vision of the human is possible only by revitalizing the contemplative dimension of spirituality. Contemplation is the awakening to the totality of reality, alertness to the fullness of human life. Contemplation liberates a person from the enslaving feeling of the ego (*ahamkara*) and anchors his/her life in the integrating experience of the self (*atmabodha*).

19. Spirituality is an awakening to the Divine that breaks down the barriers which are erected between human persons and between communities; it binds all in a universal fellowship. Hence the central dynamics of spirituality is love which is ultimately a power that flows out of a divine source. In the spiritual heritage of India, the presence of the Divine has been described in terms

of the Lord who loves humanity; and the human response is interpreted in terms of the total self-surrender (*atmanivedana*).

20. These three factors, namely, contemplative perception, surrender to God in love and commitment to the integration of the world, form the constitutive elements of Indian spirituality beyond all religious boundaries. Along the line of this threefold *marga*, seekers and *sadhakas* of all religions could meet for a mutually enriching encounter and an authentic response to the divine Spirit in the world.

Spirituality and the secular realities

21. Spirituality evolves in the midst not only of religions but also of the innumerable forms of secular activities and secular movements. Secularity is not, in fact, opposed to religiosity. Genuine secularity is another expression of spirituality.

22. A secular spirituality springs from the progressive encounter of oneself and one's community with the reality within and around. It is the awareness of the mystery – the depth-dimension of every reality and is the sustaining force within men and women, which enables them to face courageously and perseveringly the crucial problems of our country such as fundamentalism, fanaticism, communalism, casteism, ritualism, injustice, inequality, exploitation etc. It is the creative force experienced by all who are engaged in the task of building a better nation, and is a dynamic force generating people's power and sustaining it for the creation of a human community of justice and love, dignity and equality, freedom and fellowship, brotherhood and sisterhood, through active solidarity with and self-commitment to the poor and the marginalized like the dalits, tribals and women in India. Such a this-worldly and incarnational spirituality is born of a vision of life and society and is the outcome of the pangs of a collective liberative struggle for a better humanity. This secular spirituality is self-emptying, prompting a person even to die in order to resuscitate the life-giving Spirit dormant in the exploited humans.

23. Such a secular spirituality forms an integral part of Jesus' vision of a new world-order of human fellowship. This involves a sharing in the suffering, death and resurrection of Jesus Christ. It is by participating in the paschal mystery of the poor of the country that Indian Christians can encounter the crucified and risen Christ of today and be renewed by the life-giving Spirit of Jesus.

Suggestions for Praxis

24. In order to have an authentic Indian Christian spirituality, it is necessary that the Christian community in India lives its response to the Gospel with its life deeply rooted in the national culture at all levels of its life and activity. It is true that the Church in India, by and large, has accepted in principle the need for developing an Indian Christian spirituality, but its implementation has

been limited to a great extent to small groups. Considerable sections of the institutional Christian community still live its Christian life alienated from its cultural ethos, as a result of which, the Church as a whole has not been able to project an image of cultural authenticity to the rest of the national community, nor has the Indian Church been able to contribute its share to the unfolding of the mystery of Christ on the universal level.

25. The Christian community in India has not developed a radical way of living the Gospel message in this country or contributed adequately to the solution of the religious and spiritual problems of India. The pastoral approach to the life of a Christian community vis-à-vis a multi-religious neighbourhood has been either one of promoting the conversion of the members of other religious communities to Christianity, or that of being isolated from them for the sake of avoiding dangers to its own faith.

26. Today our pastoral policy has to take a new turn in order to make the life and spirituality of our Christians truly Christ-centred and deeply inserted into the human community to which they belong. This will call for a rearticulation of our faith-commitment in terms of an inter-religious existence taking into account tribal and dalit traditions. The dalit Christians are today victims at the hands of the higher castes, their fellow dalits and even of the organized Churches. Any pastoral praxis must begin with working for that justice and equality which are their due.

27. We shall now indicate a few areas of our Christian life in which we can begin to bring about changes so that such a Christian community may gradually emerge in this land:

Families

28. The family is the living cell of the Christian community and hence the creation of the new spirituality should start with the family. Here again the Christian family should be spiritually integrated with the religious milieu of the locality so that the growing generation develops positive attitudes to the believers of other religions. Co-operation with families of believers in other religions in the areas of social action, issues of justice, conscientization work, as well as the common celebration of local feasts and prayer sessions may be encouraged. Within the Christian family itself, the practice of 'family prayer' has to be given high priority with relevant Indian forms of prayer like *bhajans*, *namjapa*, *parayanas* and meditation methods; at the same time the family has to be helped to see the presence of the Spirit in their life and work in the light of the Bible. The pastoral system of forming several families into a local unit/ fellowship/basic community is very much along the line of Indian culture; this can be made spiritually more vibrant with shared prayer, study of the Scriptures, common Eucharistic celebrations and family based/ issue-oriented

catechesis. In forming the value-system of families, special attention has to be paid to the demands of justice in social relationships and integrity in professional life.

Parishes

29. Within the existing structures of the Church, parishes form the nucleus of Christian community life, and hence it is of vital importance that innovative steps be taken at the parish level. A deep conviction has to grow among us Christians that we form, with believers of other religions, one single 'people of God', one salvific community. We have to get rid of a certain attitude of spiritual superiority as well as a misguided proselytizing concern. It is necessary that we cultivate respect for and openness to the symbols, Scriptures and value-systems of the followers of other religions as also the cultural and religious symbols of the dalit and tribal groups, while we move with all as pilgrims towards the Absolute.

30. Such an attitude would offer scope for inter-religious prayer meetings and *satsangs*, common celebration of major feasts and festivals, shared reflections on basic questions of spirituality and burning issues of social life as well as inter-religious collaboration in socio-economic and cultural projects. Every opportunity could be seized to promote communal harmony and inter-faith fellowship.

31. An inter-religious pursuit of spirituality would demand an initiation to Indian methods of meditation and an introduction to the study of the Scriptures and rich traditions of other religions. Christian catechesis will have to take inspiration also from the Scriptures and practices of other religions, without, however, losing the specific character of Christian revelatory experience.

32. Christians should be acquainted in an authentic way with the basic elements of the faith and praxis of people belonging to other religions in their locality. In giving shape to liturgical life, the Christian community will find much inspiration in Indian music, art, symbols, prayers, stories and ritual practices.

33. In constructing Churches and related institutions we should respect better the living conditions of the people of the locality as well as the architectural heritage of the local religious communities.

34. The priests and religious serving the parish communities should be men and women marked by a genuine spiritual depth in their life and primarily concerned about the integral growth of all people of their locality, Christians and others as well. They can promote a spirituality by which people can experience the Divine in the midst of their manifold secular activities. The 'world' is the primary temple of the Lord, and the 'church' or 'temple' is only a pointer to the experience of the transforming presence of the Spirit in the world.

Formation Houses

35. Much of what has been said above is applicable to the centres where the animators of Christian communities are being trained. These centres should be able to imbibe the perennial values of spirituality embodied in the *ashram* traditions of India: an experiential approach to the Mystery, a passionate search for Truth beyond all 'names and forms', a regular praxis of contemplative prayer, simplicity of life, hospitality to people of all walks of life, closeness to people, especially the poor and the oppressed, and a genuine community life.

Conclusion

36. In the context of India's religiosity and contemporary human situation, Indian Christian spirituality has a unique opportunity to grow and blossom and make its own distinctive contribution to the universal church. Likewise, as a result of interaction with Christians, believers of other religions are invited, even challenged, to be faithful to the Spirit at work in their own traditions and so perhaps find within them hitherto undiscovered dimensions of the creative power of the Spirit.

Such an inter-religious spirituality provides an appropriate platform for people of different religions in our country to work together to bring about a human social order that is, in every way, conformable to Christ's vision of the Kingdom, for which he laboured and gave his life. In this Kingdom, rivalry, conflict and exclusivism that so often mar the relationship among followers of different religions today have no place. It is our Christian task and responsibility to promote and accelerate the process of the emergence of such an inter-religious spirituality; the breeding ground of which is the existing religious pluralism itself.

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